

Wagner-Peyser Act, in order for the United States Employment Service to be in a position to request adequate appropriations to enable it to supervise State employment offices, and to operate the Veterans' Placement Service and the Farm Placement Service; to the Committee on Labor.

4638. By Mr. KEOGH: Petition of the Independent Theatre Owners Association, New York City, concerning the Neely-Pettengill bill (S. 153); to the Committee on Interstate and Foreign Commerce.

4639. Also, petition of the Chamber of Commerce of the State of New York, concerning Federal Government reorganization; to the Committee on Government Organization.

4640. Also, petition of P. Pastene & Co., Inc., New York City, concerning the Federal reorganization legislation; to the Committee on Government Organization.

4641. By Mr. LAMNECK: Petition of Charles E. Reed president, Columbus Safety Division of F. C. U., 16 engine house, Columbus, Ohio, urging the defeat of House bill 7265, providing for the transfer of all supervision and examination of credit unions in the District of Columbia to the Farm Credit Administration; to the Committee on the District of Columbia.

4642. By Mr. PFEIFER: Petition of P. Pastene & Co., Inc., New York City, concerning the Government reorganization bill; to the Committee on Government Organization.

4643. Also, petition of the Educators Association, Inc., New York City, concerning the Government reorganization bill; to the Committee on Government Organization.

4644. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning the Federal Government reorganization bill; to the Committee on Government Organization.

4645. Also, petition of the Independent Theater Owners Association, Inc., New York City, concerning the Neely-Pettengill bill (S. 153); to the Committee on Interstate and Foreign Commerce.

4646. By the SPEAKER: Petition pledging the support of the Eastern Pennsylvania Student Peace Conference to a program which will make the United States a genuine and active force for peace; to the Committee on Military Affairs.

4647. Also, petition from the American Library Association, endorsing the report of the Advisory Committee on Education; to the Committee on Education.

4648. Also, petition from the city of Lansing, Mich., protesting against any amendment to the Works Progress Administration appropriation; to the Committee on Appropriations.

4649. Also, petition from the Lithuanians of New Jersey, protesting against the enslaving of Lithuanians; to the Committee on Foreign Affairs.

4650. By Mr. HART: Petition of the One Hundred and Sixty-second Legislature of the State of New Jersey, House of Assembly, Trenton, N. J., favoring reduction of the interest rate on mortgages held by the Home Owners' Loan Corporation from 5 percent to 3 or 3½ percent and to extend the amortization period for said mortgages from 15 years to 20 or 25 years; to the Committee on Banking and Currency.

4651. Also, petition of Lithuanian citizens of the State of New Jersey, concerning the recent international events, especially the Polish-Lithuanian developments; to the Committee on Foreign Affairs.

SENATE

MONDAY, MARCH 28, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 25, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, it is apparent that there is an absence of a quorum. I suggest such absence, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lewis	Reynolds
Berry	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkeley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Tydings
Capper	Herring	Murray	Vandenberg
Caraway	Hill	Neely	Wagner
Chavez	Hitchcock	Norris	Walsh
Clark	Holt	Nye	Wheeler

Mr. LEWIS. I announce that the Senator from Florida [Mr. PEPPER] and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 21, 1938:

S. 1077. An act to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes.

On March 26, 1938:

S. 975. An act to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes;

S. 1986. An act to amend section 42 of title 7 of the Canal Zone Code and section 41 of the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended (U. S. C., 1934 ed., title 48, sec. 893);

S. 2963. An act authorizing the Superintendent of the United States Naval Academy, Annapolis, Md., to accept gifts and bequests of money for the purpose of erecting a building on land now owned by the United States Government at the Naval Academy, and for other purposes;

S. 3554. An act authorizing the appointment of an additional judge of the District Court for the Northern District of Alabama; and

S. 3655. An act amending section 312 of the Agricultural Adjustment Act of 1938.

PARTICIPATION BY UNITED STATES IN FOURTH INTERNATIONAL CONFERENCE ON PRIVATE AIR LAW

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing an appropriation of the sum of \$15,500, or so much thereof as may be necessary, for the expenses of participation by the United

States in the Fourth International Conference on Private Air Law, to be held at Brussels, Belgium, in September 1938.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 28, 1938.

[Enclosure: Report.]

CLAIM OF NORWEGIAN GOVERNMENT

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I enclose a report received from the Secretary of State requesting the submission to the present Congress of the claim presented by the Government of Norway against the United States on account of the detention and treatment of the crew of the Norwegian steamer *Sagatind* subsequent to the seizure of this vessel by the United States Coast Guard cutter *Seneca* on October 12, 1924.

I concur in the recommendation made by the Secretary of State and recommend that as an act of grace and without reference to the question of the legal liability of the United States of America in the matter, the Congress authorize an appropriation in the sum of \$5,000 in order to effect the settlement of all claims arising with respect to the detention and treatment of the crew of the steamer *Sagatind* subsequent to the seizure of that vessel on October 12, 1924.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, March 28, 1938.

HUNGARY'S RELIEF INDEBTEDNESS TO UNITED STATES

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance, as follows:

To the Congress of the United States:

I transmit herewith, for the consideration of the Congress, a communication from the Minister of Hungary on the relief indebtedness of Hungary to the United States, in which the Hungarian Government tentatively formulates for the consideration of the American Government a possible basis for a new debt arrangement between the two countries to replace completely the debt agreement of 1924 and accruals thereunder.

The indebtedness of the Government of Hungary to the Government of the United States is not a war debt but is properly designated as a relief debt, having been contracted in May 1920 under the authority of the act of March 30, 1920, which authorized the United States Grain Corporation, with the approval of the Secretary of the Treasury, to sell or dispose of flour in its possession for cash or on credit at such prices and on such terms or conditions as considered necessary to relieve the populations in the countries of Europe or countries contiguous thereto suffering for the want of food. The American Relief Administration acted as the fiscal agent of the United States Grain Corporation in dispensing this relief.

The original indebtedness, the principal amount of which was \$1,685,835.61, with interest accrued thereon from May 1920 to December 1923 at the rate of 4¼ percent per annum, was funded as of the latter date, by agreement made in April 1924, into bonds of Hungary in the aggregate principal amount of \$1,939,000, maturing serially in the succeeding years for 62 years, bearing 3 percent for the first 10 years and thereafter at the rate of 3½ percent per annum. In approving this debt settlement, the Congress authorized the Secretary of the Treasury to subordinate the lien of the bonds taken under it to the lien of the Hungarian reconstruction loan, which was about to be issued and sold in numerous countries, including the United States. In May 1924 the Secretary, acting upon this authorization, formally subordinated the American Government's lien to the lien of the reconstruction bond issue.

On December 23, 1931, the Hungarian Government proclaimed a transfer moratorium suspending payment in foreign currencies of all Hungarian foreign obligations, public and private, except the aforesaid reconstruction loan of 1924. Payments on the latter loan were subsequently suspended in part. During 1937 the Hungarian Government began liquidating the transfer moratorium by negotiating agreements with the foreign holders of Hungarian obligations for the acceptance of reduced payments in full satisfaction of existing indebtedness. It is in this connection that the Hungarian Government has now come forward of its own initiative in an effort to reach an agreement with the United States Government under which the relief indebtedness can also be discharged in full.

No readjustment of the terms of payment of the Hungarian indebtedness to the United States can be made except pursuant to act of Congress. The Hungarian Government is seeking a definitive readjustment of the terms of payment of this indebtedness on the basis of full payment over a period of years of the total original amount borrowed without interest.

The Hungarian Government calls attention to the similarity between its suggested basis for payment and that accepted by the United States in the Austrian debt agreement of May 8, 1930, which provided that a sum very slightly in excess of the original Austrian indebtedness incurred in 1920 should be repaid without interest in 40 annuities. The Congress of the United States, after full consideration of the nature of the Austrian indebtedness, voted by a large majority in the House of Representatives and by a unanimous procedure in the Senate to authorize the signature of the draft agreement which had been prepared by the Treasury Department and the representatives of the Austrian Government. The Hungarian debt is a relief debt like the Austrian one.

The Hungarian Minister also suggests that the terms compare favorably with those in several other debt settlements, and that in announcing the signature of the debt agreement with Austria in 1930, the Secretary of the Treasury said:

The settlement compares favorably with the settlements made by the United States with the Governments of Greece, Italy, and Yugoslavia.

It has, of course, been the consistent policy of the United States to consider each debt in the light of the circumstances of the debtor government, and it is with this in view that the Hungarian communication is transmitted to the Congress.

I believe the proposals of the Hungarian Government should receive the most careful consideration of the Congress. They represent a noteworthy wish and effort of the Hungarian Government to meet its obligations to this Government.

In its simplest terms, the offer of the Hungarian Government is to repay to the United States the whole of the relief loan but without payment of any interest thereon.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 28, 1938.

[Enclosure: Aide memoire on Hungary's relief debt to the United States, February 7, 1938.]

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Department of Commerce, and the Veterans' Administration, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a memorial from the Constitutional Educa-

tional League, Inc., of New York City, N. Y., remonstrating against certain alleged illegal acts of the subcommittee of the Committee on Education and Labor to investigate violations of the rights of free speech and assembly, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Common Council of the City of Milwaukee, Wis., protesting against the enactment of legislation imposing a Federal tax on fuel oil, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Lions Club of Fairfield, Calif., favoring the enactment of legislation to reduce immigration quotas, which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted at a mass meeting of citizens of Lithuanian descent of Newark, N. J., protesting against certain alleged acts directed against Lithuania by Poland, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the memorial of Lena Fletcher, of Forks, Wash., remonstrating against the inclusion of any areas in the proposed Olympic National Park that are known to be infected with parasites deleterious to Roosevelt elk, which was referred to the Committee on Public Lands and Surveys.

REPORT OF A COMMITTEE

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 3548) to amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended, reported it without amendment and submitted a report (No. 1546) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MINTON:

A bill (S. 3738) to amend section 8 of the National Defense Act, and for other purposes; to the Committee on Military Affairs.

By Mr. NYE:

A bill (S. 3739) for the relief of Alpha T. Johnson; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3740) granting a pension to Wesley William Faulkwell; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3741) for the relief of John F. Thomas (with accompanying papers); to the Committee on Civil Service.

By Mr. BERRY:

A bill (S. 3742) for the protection of Government law-enforcement officers or agents by providing pensions to those injured, and compensation to the dependents of those killed in the discharge of duty; to the Committee on the Judiciary.

By Mr. HATCH:

A bill (S. 3743) for the relief of Charles B. Payne; to the Committee on Claims.

By Mr. ANDREWS:

A joint resolution (S. J. Res. 279) granting insurance payments to Hugh H. Newell; to the Committee on Finance.

TAX REVISION—AMENDMENT

Mr. BROWN of Michigan submitted an amendment intended to be proposed by him to the bill (H. R. 9682) to provide revenue, equalize taxation, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL JUDGES FOR UNITED STATES COURTS

Mr. ANDREWS submitted an amendment intended to be proposed by him to the bill (S. 3691) to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia, which was ordered to lie on the table and to be printed.

SUPREME COURT OPINION IN ELECTRIC BOND & SHARE CO. AGAINST SECURITIES AND EXCHANGE COMMISSION (S. DOC. NO. 160)

Mr. WHEELER. Mr. President, the Supreme Court of the United States today handed down a decision in the case of Electric Bond & Share Co., et al. against Securities and Exchange Commission. The case tested the constitutionality of certain provisions of the Holding Company Act, and the decision upholds their constitutionality. I ask that the opinion of the Court be made a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESS BY C. A. DYKSTRA (S. DOC. NO. 161)

Mr. LA FOLLETTE. I ask unanimous consent that a Bronson Cutting memorial lecture entitled "Democracy and Education," delivered by President C. A. Dykstra, of the University of Wisconsin, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPLANATION OF NAVAL EXPANSION BILL BY SENATOR WALSH

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the naval expansion bill prepared by me as chairman of the Committee on Naval Affairs.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The explanation is as follows:

EXPLANATION OF THE NAVAL EXPANSION BILL (H. R. 9218)

(Prepared under the direction of the Honorable DAVID I. WALSH, chairman, Committee on Naval Affairs, United States Senate)

The purpose of the bill is to carry out the recommendations made by the President of the United States in his message to the Congress on January 28, 1938, as follows:

"That the existing authorized building program for increases and replacements in the Navy be increased by 20 percent.

"That the Congress authorize and appropriate a sum not to exceed \$15,000,000 for the construction of a number of new types of small vessels, such construction to be regarded as experimental in the light of new developments among navies, and to include the preparation of plans for other types of ships in the event that it may be necessary to construct such ships in the future."

The bill—

(1) Increases the number and tonnage allowances of combatant vessels in the Navy by approximately 20 percent.

(2) Authorizes the President to build up the Navy to the new authorized strength, including replacement of vessels as they become over age.

(3) Authorizes the President to acquire or construct additional naval airplanes, including spare parts and equipment, so as to increase the number of useful planes from 2,050 to a total of not less than 3,000.

(4) Authorizes the construction of 22 auxiliary vessels, 5 destroyer tenders, 3 submarine tenders, 4 large seaplane tenders, 7 small seaplane tenders, and 3 repair ships.

(5) Authorizes appropriation of funds necessary to carry out the purposes of the act, including such sums as may be necessary to provide the essential equipment and facilities at navy yards for building any ship or ships heretofore or herein authorized.

(6) Authorizes an appropriation of \$15,000,000 to be expended at the discretion of the President for the purposes of experimenting with surface craft, lighter-than-air craft, heavier-than-air craft, aerial bombs, aerial mines, torpedoes, and other inventions and material developments for the national defense.

It also authorizes the Secretary of the Navy to enter into contracts with inventors and manufacturers for experimental work, models, plans, materials, and the development of projects useful to the national defense to the extent of \$15,000,000.

(7) Brings the construction of the vessels herein authorized under the terms and conditions of the act of March 27, 1934, as amended.

(8) Defines the term "under age" and states that this term shall be construed in accordance with the terms of the treaty signed at London, March 25, 1936.

(9) States that the United States would welcome and support an international conference for naval limitations, and in the event of an international treaty for further limitation of naval armaments to which the United States is signatory, the President is authorized to suspend naval construction, except that such suspension shall not apply to vessels and aircraft actually under construction.

(10) Directs the Secretary of the Navy to appoint a board consisting of not less than five officers to investigate and report upon the need, for purposes of national defense, for the establishment of additional submarine, destroyer, mine, and naval air bases on the coast of the United States, its territories, and possessions.

(11) Directs the Navy Department to construct on the Pacific coast of the United States such vessels as the President may determine to be necessary in order to maintain shipyard facilities upon the Pacific coast necessary and adequate to meet the requirements of national defense.

The shipbuilding and airplane procurement programs will probably be spread over a period of 5 years or more.
The estimated additional cost over a period of years to carry out the provisions of the bill is as follows:

46 combatant vessels.....	\$731,095,000
22 auxiliary vessels.....	246,451,000
950 airplanes.....	106,000,000
Additional equipment and facilities at navy yards.....	8,000,000
Expenditure for experimental purposes, including one lighter-than-air craft.....	15,000,000
Contract authorization.....	15,000,000
Total.....	1,121,546,000

SECTION I

Public, No. 135, Seventy-third Congress, approved March 27, 1934—the so-called Vinson-Trammell Act—established the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed in Washington, February 6, 1922, and at London, April 22, 1930, at the limit prescribed by those treaties. It authorized the President to construct a sufficient number of vessels to bring the United States Navy up to treaty strength and to maintain it thereat by replacing over-age vessels with vessels of modern design and construction.

Article 21 of the London Treaty of 1930, the so-called escalator clause, provides that any high contracting party which considers her national security to be materially affected by the new construc-

tion of a nonsignatory power may, with due notification to other signatories, increase tonnages within one or more categories. Other signatories may then make proportionate increases in the categories specified.

Great Britain invoked article 21 of this treaty on July 15, 1936, and on December 23, 1936. Japan invoked this article on December 29, 1936. The total tonnage allowed the United States was increased by 75,868 tons.

The present Navy building program, if continued until 1941 or 1942, will bring the United States Navy up to the original strength authorized for under-age vessels, except in the battleship class. The London Treaty of 1936 changed the effective life of battleships from 20 years to 26 years. This change in the effective life of battleships and the increases in allowances due to the so-called escalator clause have changed the situation very materially. Under these conditions we have now built, building, and appropriated for our full allotted under-age strength in battleships, cruisers, and aircraft carriers, and we are short approximately 63,935 tons in destroyers and 8,813 tons in submarines.

Section 1 of the bill increases the authorized number and tonnage allowances of combatant vessels in the Navy by approximately 20 percent. The following table shows the original allowances as authorized by the treaties and the act of March 27, 1934, the increased allowances due to the so-called escalator clause, the total allowances now authorized, the increased allowances proposed by the bill, and the total allowed under-age strength of the Navy if the bill is enacted:

Type of vessels	(Column 1) Original treaty allowance		(Column 2) Increases due to art. 21, London Treaty	(Column 3) Total authorized under Vinson-Trammell Act, under-age vessels		(Column 4) Authorized increase by H. R. 9218, under-age vessels		(Column 5) Total complement authorized by H. R. 9218, under-age vessels	
	Number	Tonnage	Tonnage	Number	Tonnage	Number	Tonnage	Number	Tonnage
Capital ships.....	15	525,000	-----	15	525,000	3	105,000	18	630,000
Aircraft carriers.....	-----	135,000	-----	16	135,000	2	30,000	8	165,000
Cruisers (A).....	18	180,000	-----	18	180,000	-----	-----	18	180,000
Cruisers (B).....	-----	143,500	\$ 20,270	19	163,770	9	68,754	28	232,524
Destroyers.....	-----	150,000	\$ 40,000	121	190,000	23	38,000	144	228,000
Submarines.....	-----	52,700	\$ 15,598	147	68,298	9	13,658	56	81,956
Total.....	-----	1,186,200	75,868	226	1,262,068	46	255,412	272	1,517,480

¹ Present law (Vinson-Trammell Act) limits total tonnages only in these categories.

² H. R. 9218 combines cruiser tonnages authorizing a total of 412,524 tons.

³ Great Britain invoked art. 21 of the London Treaty of 1930 on Dec. 23, 1936.

⁴ Great Britain invoked art. 21 of the London Treaty of 1930 on July 15, 1936.

⁵ Japan invoked art. 21 of the London Treaty of 1930 on Dec. 29, 1936.

SECTION II

The act of March 17, 1934, not only authorized the President to construct a sufficient number of vessels to bring the Navy up to treaty strength, but it also authorized him to maintain it thereat by replacing over-age vessels with vessels of modern design and construction. Section 2 of the bill authorizes the President to construct a sufficient number of vessels to bring the Navy up to the new authorized strength and to maintain it thereat by replacing vessels as they become over age.

The Navy can be maintained permanently at the under-age strength shown in column 5 of the table without additional legislative authority and subject only to appropriations made by the Congress.

SECTION III

An act approved June 24, 1926 (Public, No. 422, 69th Cong.), established the number of useful airplanes (including spare parts and equipment) to be employed in the Navy at 1,000, and authorized the Secretary of the Navy to acquire and maintain not less than this number of useful airplanes. This act also stated:

"That 'useful airplanes,' as used in this act, shall be those airplanes on the Navy list which are, or which after reasonable repairs can be made, in all respects safe to fly and fitted to take part in active military operations in time of war, and shall be exclusive of those airplanes classified as experimental, or with the approval of the Secretary of the Navy declared obsolete."

An act approved March 27, 1934 (the Vinson-Trammell Act) authorized the President to procure the necessary naval aircraft for vessels and other naval purposes in numbers commensurate with a treaty navy. The Secretary of the Navy has determined that 2,050 naval aircraft are required for such a navy.

Section 3 of the present bill authorizes the President to acquire or construct additional naval airplanes, including patrol planes, spare parts, and equipment, so as to bring the number of useful naval airplanes to a total of not less than 3,000. This is an increase of 950 useful airplanes.

The increased number of planes is based upon the requirements for a naval aeronautical organization proportionate to the increased Navy contemplated by the bill.

Not less than 3,000 useful naval airplanes can be maintained permanently without additional legislative authority and subject only to appropriations made by the Congress.

SECTION IV

Section 4 of the bill authorizes the construction of 22 auxiliary vessels, 5 destroyer tenders, 3 submarine tenders, 4 large seaplane tenders, 7 small seaplane tenders, 3 repair ships, of a total light displacement tonnage of 229,000 tons. Light displacement is used for auxiliaries instead of standard displacement, as the latter is not applicable for auxiliaries which carry varying amounts of cargo. "Light displacement" is the weight of the ship as it is delivered by the shipyard, without fuel, stores, ammunition, or water.

Auxiliaries may be divided into two broad classes—tenders and other auxiliaries.

The tenders are those vessels which serve destroyers, submarines, and patrol planes, and which are essential to their operation and maintenance at all times, both in time of peace and in time of war. They, therefore, should be provided in a definite proportion to the vessels or planes they tend.

The other types of auxiliaries, oilers, store ships, cargo ships, mine sweepers, etc., will be required in large numbers in time of war, in numbers too great to be built or operated by the Navy in time of peace.

The bill authorizes only the construction of those auxiliary vessels that will be required for the operation and maintenance of the fleet in time of peace. The bill does not authorize the replacement of auxiliary vessels as they become obsolete.

SECTION V

Section 5 of the bill authorizes to be appropriated such sums as may be necessary to effectuate the purposes of this act, including appropriations for such essential equipment and facilities at navy yards as may be necessary in the construction of such ships as have been authorized or as are provided for in this bill.

To carry out the construction provisions of this bill, in conjunction with the construction program authorized by the act of March 27, 1934, some new equipment and facilities and the replacement of some existing equipment and facilities, such as cranes, tools, building ways, and other items, will be necessary.

It has been estimated that the essential equipment and facilities required may be obtained at a cost of about \$8,000,000.

SECTION VI

Section 6 authorizes an appropriation of \$15,000,000 to be expended at the direction of the President for purposes of experimenting with surface craft, lighter-than-air craft, heavier-than-

air craft, aerial bombs, aerial mines, torpedoes, and other inventions and material developments for the national defense. Five million dollars of this sum is to be expended for the construction of small experimental vessels, none of which shall exceed 3,000 tons standard displacement.

Three million dollars of this sum is to be expended for the construction of a rigid airship of American design and American construction of a capacity not to exceed 3,000,000 cubic feet, either fabric covered or metal covered, to be used for training, experimental, and development purposes.

The remaining \$7,000,000 is to be expended for the purpose of experimenting with heavier-than-air craft, aerial bombs, aerial mines, and other inventions and material developments for the national defense.

In addition to the \$15,000,000 authorized to be appropriated for experimental purposes, the Secretary of the Navy is authorized to enter into contracts, to the extent of \$15,000,000 with inventors and manufacturers for experimental work, models, plans, materials, and the development of projects useful to the national defense.

SECTION VII

This section of the bill directs that the allocation and construction of the vessels authorized and their replacements as well as the procurement and construction of airplanes and spare parts shall be in accordance with the act of March 27, 1934, as amended. This act provides (1) that normally 50 percent of the vessels will be constructed in Government yards; (2) that no less than 10 percent of the aircraft, including engines therefor, shall be constructed in Government aircraft factories; and (3) that the profit on contracts, except for scientific instruments, where the award exceeds \$10,000, is limited to a maximum of 10 percent.

SECTION VIII

Section 8 of the bill defines the term "under age" as that given in accordance with the London Treaty of 1936.

In accordance with the London Naval Treaty of 1936 vessels of the following categories and subcategories shall be deemed to be "over age" when the undermentioned number of years have elapsed since completion:

	Years
(a) Capital ships.....	26
(b) Aircraft carriers.....	20
(c) Cruisers, subcategories (a, heavy; b, light):	
If laid down before Jan. 1, 1920.....	16
If laid down after Dec. 31, 1919.....	20
(d) Light surface vessels, subcategory (c).....	16
(e) Submarines.....	13

SECTION IX

Section 9 states that—

"The United States would welcome and support an international conference for naval limitations and in the event of an international treaty for the further limitations of naval armament to which the United States is signatory, the President is authorized and empowered to suspend so much of its naval construction as has been authorized as may be necessary to bring the naval armament of the United States within the limitations so agreed upon, except that such suspension shall not apply to vessels and aircraft then actually under construction."

SECTION X

In view of the increases provided for the Navy in this bill, it appears that additional naval operating bases for some of the units of the fleet will be necessary.

Section 10 authorizes and directs the Secretary of the Navy to appoint a board of not less than five officers to investigate and report upon the need, for purposes of national defense, for the establishment of additional submarine, destroyer, mine, and naval air bases on the continental coasts of the United States, its Territories and possessions.

It further directs the Secretary of the Navy to cause the report of this board to be transmitted to the Speaker of the House of Representatives during the first session of the Seventy-sixth Congress.

SECTION XI

Section 11 directs the Navy Department to construct upon the Pacific coast of the United States such vessels as the President of the United States may determine to be necessary in order to maintain shipyard facilities on the Pacific coast necessary and adequate to meet the requirements of national defense.

NAVAL EXPANSION—INTERVIEW WITH SENATOR NORRIS

[Mr. WALSH asked and obtained leave to have printed in the RECORD an interview with Senator NORRIS on the naval expansion bill, published in the United States News of March 28, 1938, which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENTS—ADDRESS BY SENATOR BYRNES

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BYRNES on March 27, 1938, on the bill for the reorganization of the executive departments, which appears in the Appendix.]

GOVERNMENT BY PROPAGANDA—ADDRESS BY SENATOR MINTON

[Mr. GREEN asked and obtained leave to have printed in the RECORD a radio address on the subject Government by Propaganda, delivered by Senator MINTON on the evening of March 26, 1938, which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENTS—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. HITCHCOCK asked and obtained leave to have printed in the RECORD a radio address delivered by Senator SCHWELLENBACH on Sunday, March 27, 1938, on the bill providing for a reorganization of the executive departments, which appears in the Appendix.]

ESSENTIALS TO PERMANENT RECOVERY—ADDRESS BY SENATOR BAILEY

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address on Essentials to Permanent Recovery, delivered by Senator BAILEY before the American Academy of Political Science, New York City, March 25, 1938, which appears in the Appendix.]

CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

[Mr. BILBO asked and obtained leave to have printed in the RECORD a statement read by himself before the House Committee on Indian Affairs in support of Senate bill 1478, conferring jurisdiction on the United States Court of Claims to determine the claims of the Choctaw Indians of the State of Mississippi, which appears in the Appendix.]

FEDERAL HOUSING ADMINISTRATION—ADDRESS BY DEPUTY ADMINISTRATOR M'GEHEE

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address delivered by Charles C. McGehee, Deputy Administrator, Federal Housing Administration, on March 16, 1938, on the subject Property Improvement Program of the Federal Housing Administration, which appears in the Appendix.]

KEEPING OUT OF WAR—ARTICLE BY WILLIAM F. HOVIS

[Mr. NYE asked and obtained leave to have printed in the RECORD an article entitled "The United States Can and Must Keep Out of War," by William Forney Hovis, editor of Dawn, which appears in the Appendix.]

THE PRESIDENT'S GAINESVILLE SPEECH

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an editorial from the Nashville Tennessean of March 25, 1938, entitled "Counsel of a Friend," which appears in the Appendix.]

MR. GANNETT'S COMMITTEE—EDITORIAL FROM CAPITAL TIMES

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial from the Capital Times of Madison, Wis., of the issue of March 23, 1938, under the heading "The Probe of Mr. Gannett's Committee Should Go On," which appears in the Appendix.]

CHARACTER OF PETITIONS AGAINST REORGANIZATION BILL

Mr. MINTON. I ask unanimous consent that the brief letter which I send to the desk may be read by the clerk.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was read by the Chief Clerk, as follows:

United States Senator MINTON,
Washington, D. C.

DEAR SENATOR: I am not in your district, but think you should know of the petitions being circulated in the New York textile district (around Worth St., New York City) asking you to vote against the reorganization bill. These petitions have the "boss" as the first signer and is passed on to employees who sign not because they know if it is right or not but just because it is the easiest way out, so if it is a good thing it would be a shame to have it killed because of these petitions; and I feel you, who have the understanding of it, will not be misled by these petitions, but vote according to your best judgment.

Yours very truly,

REORGANIZATION OF THE EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government,

extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

THE VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. WALSH] to recommit the bill to the Select Committee on Government Organization.

The Chair will make a statement as to the parliamentary situation. Under the ordinary rules of the Senate, after a motion is made to recommit, no amendments may be offered, but the Senate by an order entered last Thursday provided that all amendments and motions to recommit shall be voted on at not later than 3 o'clock today. So the Chair will hold that any amendment offered between now and 3 o'clock may be voted on by the Senate. After 3 o'clock no amendment may be offered to the bill under the order of the Senate. The Chair thinks he should make that announcement so that the Senate may understand the parliamentary situation.

It is the understanding of the Chair that if he should recognize anyone except the Senator from South Carolina [Mr. BYRNES] or the Senator from Massachusetts [Mr. WALSH] it would be only for the purpose of introducing bills or asking unanimous consent for some purpose. The Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH] control the time between now and 3 o'clock. The Chair recognizes the Senator from Massachusetts.

(Mr. WALSH yielded to several Senators to present routine business, which appears elsewhere under appropriate headings.)

Mr. WALSH. Mr. President, the Senator from Maryland [Mr. TYDINGS], who has another engagement, desires to speak on the pending question, and, for the time being, I yield the floor to him.

Mr. TYDINGS. Mr. President, I desire to speak on the motion to recommit the so-called reorganization bill.

In my humble judgment, the bill itself is very different from the original bill that came to Congress. In the main, it is not a bad bill. Everyone realizes that it is necessary to reorganize the Government. Tremendous efficiency will follow if the Government is reorganized in the way provided by the Constitution of our country. The fact that the Senate and the House will have no check upon reorganization under this bill will impel me to vote for the recommitment of the bill; and I desire to take an entirely different line of argument than any I have heard in telling the Senate why I think it is wise to recommit the bill.

There never has been a time in the history of the world when more fear existed than at this moment. Most of the large countries of Europe are under dictatorships—Russia, Germany, Italy, Poland, Hungary, Bulgaria, Rumania, and many other European nations. We pick up the newspapers and read that the most celebrated physician in Austria has just shot himself and his wife and his child. In another column we read that 1,710 persons were either arrested or put to death or committed suicide in Vienna in a single day. All such happenings have ramifications in our own country. Fear grips large sections of our people. It may be argued that the fear is unfounded, that nothing like that will happen here, and I concede that perhaps there is a great deal to support that point of view; but that does not in the slightest degree eliminate the fear.

I am not attributing to the President, or to anybody in his Cabinet, or to anybody in his administration, any motive to create a dictatorship in this country. That is not the point. The point is that the technique which, to some extent, is set forth in this bill is the technique which has been employed over and over again to create these situations in other countries, and many of our people are in the grip of a fear. If Senators do not believe it, let them go to some of our cities and talk with those who are affected. They fear that if there is too great a concentration of power in the hands of the Executive, what has happened in other places may perhaps happen here.

I am not making any charge of that kind. I doubt very much if there are many facts to warrant even such a suspicion. I am certain that up to this time there has been no evidence of the sort of thing happening here which has happened abroad, but the fear is present, and we should make every effort to drive it from the minds of our citizens.

There is a depression in our country. Twelve or fifteen million persons are out of employment. We have an unbalanced Budget. We have a \$40,000,000,000 debt. We have centralized control of agriculture. We have a Federal Labor Board; we have a Social Security Board; we have many things which are entirely different from the orthodox ways of 20 or 30 years ago; and all those things have brought about a concentration of power in Washington.

If this bill contained a provision that whatever plan is arranged for reorganizing the Government must receive the approval of Congress, that would be one thing; but the bill contains no such provision. Congress has whittled away its constitutional right to legislate, because the votes of two-thirds of the Members of both Houses will be necessary to disapprove any plan for reorganization that may be proposed; and that situation more than any other has created fear and havoc all over the land. My own mail indicates that to be so—not form letters, not inspired letters, but letters from persons I know, many of the letters unreasonable, many of them written in a vicious tone, some written in sarcasm, but all carrying with them the note of fear—fear because certain things are happening elsewhere, and they do not want anything like them to happen here. These letters, I repeat, are largely from persons I know. If I had the time and the office force, I should like to sit down and tell the writers of the letters that, in my judgment, many of the fears which they express are not well founded; but they are there, and the question is, Does Congress want to accelerate them and increase them by enacting legislation which is contrary to the usual and orthodox way of making legislative enactments?

What harm can there be in permitting the people's representatives in Congress to have the final say as to whether or not any reorganization plan which may be suggested shall be adopted in whole or in part? Have we become so useless in our respective offices here and at the other end of the Capitol that we can no longer legislate? It seems to me that men who say we cannot approve or disapprove a reorganization plan, we can no longer pass on it in the orderly and orthodox way, are in effect saying that we are incompetent to pass on the routine acts and laws, for which duty we were elected by the people of our respective districts and States.

Why can we not pass on the plan? Is it not better to do it in that way, Senators, and arrest the fears that exist, than to allow a large portion of our population to suppose that they are threatened with danger? Perhaps their apprehensions are only visions which exist in their minds, but they are there nonetheless.

Why have this departure at this time? What is this bill? It is a bill to reorganize the Government of the United States to make it more efficient, to reorganize it along business lines. I doubt if there is anybody in the country who does not want to have those objectives brought about. There is not a Senator on this floor who does not think the Government needs some reorganization. Many bureaus and agencies have grown up during the period of the depression. They were well-intentioned, and constructed perhaps to perform some function that was needed or thought to be beneficial; but here they are, strung out over Washington and elsewhere. There is great need to reconstruct the Government service to make it more efficient and workable, and I am not criticizing the proposal to do it. I am asserting that because of the manner in which it is proposed to do this thing, people are living in an atmosphere of fear, and are apprehensive, perhaps, lest one power after another will be given up by the legislative body, and that there will not be an adequate check on Executive action by the legislative authority.

I do not want to take away from the President or the executive offices or the departments or the bureaus of the

Government one prerogative that is theirs. The times are difficult. Action sometimes has to be taken without the refinements we would have in more orderly times. I am not attacking anyone. I am not reflecting on anyone.

I do not question the motives of anyone in espousing the bill. What I seek to do is raise a danger signal; to ask the Senate and the Members of the House to keep in the bill the safeguards of legislative cooperation with the President, rather than to transfer the broad power to the Executive with no check whatever on it.

We read in the newspapers every day about so-called trials in Russia. Men are shot simply because they dare to think that some other form of government would perhaps be better than the one under which they are living. For no more serious crime than that they are haled before a so-called court and shot, and their families disappear. I was horrified to read the other day about the mass suicides in Austria; and yesterday I read in a newspaper that 300,000 persons of a certain race would have to leave their fatherland, and leave behind them all their possessions and everything they have. Such happenings affect the American people; they cause fear, Senators; and one of the greatest factors in the present depression is fear. Until that fear is diminished we shall have a corresponding curtailment in all forms of economic life.

I urge that this bill be recommitted in order that there may be incorporated in it an appropriate amendment which will aid the unemployed for, as fear is lifted from the minds of business people, business will correspondingly become more venturesome.

It will feel more like going ahead. But so long as these fears exist and accumulate and are transmitted from person to person, just so long will we have an added burden of fear to carry along with the economic depression.

I repeat, Mr. President, there is much merit in the bill. On the whole, it is a good bill; it is a needed bill, and the fears of many of those who are attacking it are unwarranted and exaggerated. I do not for a moment approve all the things I have read about it, and up to date I have received from my own small State over 3,000 letters, personally written, not from Wall Street but from farmers and businessmen, and in many cases from labor.

Who is opposed to the bill? The American Federation of Labor, the American Legion, the Grange, and many other organizations. They are not opposed to a reorganization of the Government; ah, no; they are in favor of that; but they are opposed to the grant of more and more legislative power to the Executive without proper safeguards.

I repeat, I am not reflecting on the Executive. Probably the President feels that he can do this job better than we can. Perhaps he can; but that is not the point. There is a way provided for the enactment of laws, and we ought to rearrange as big a thing as is this Government after proper debate on this floor, or at least have the constitutional legislative check, which is our right, and which we would be foolish to give away.

Certainly heretofore there has been no finer support for the administration than labor in the mass. Is it not remarkable, then, that the leaders of the labor organizations feel that there should be safeguards written into the bill? Is it not rather unusual that labor comes here and asks us to recommit the bill so that proper safeguards may be thrown around the reorganization? Is it not rather remarkable that the American Legion comes here and asks us to recommit the bill?

Perhaps it may be argued that the members of these organizations do not understand the problem; perhaps it may be argued that they exaggerate the so-called dangers of the bill. Such arguments may be sound. Nevertheless, the American people as a whole want Congress to legislate, or at least, if it delegates the power of legislation, it wants Congress to remain in the same position in which it would be if it initiated legislation.

Mr. President, my time has nearly expired, and in conclusion I wish to repeat that I am not reflecting on any one who furthers the bill or who wants it enacted, whether he

is in the executive department or the legislative. I attribute to every one the best of motives. I am not intimating that there is not much merit in the bill, but I am contending that in the present atmosphere of world fear, at a time when people are looking for stability for the soul as well as stability for property, when civilization is in retreat, when democracies are going backward step by step, we in the United States should uphold the democratic processes of initiating and passing on legislation in the Congress, or if we feel that it is wise to give the Executive certain powers, we should retain for ourselves the right of veto without having to have a two-thirds vote.

The proper way to accomplish the desired result, if it were possible, would be to have Congress formulate a plan and send it to the Executive, but because we feel that, perhaps, he may be in a better position than we to do that, some have advocated that the President be given that right.

All that I ask is that the bill be recommitted, so that the Wheeler amendment may be restudied, and if it is incorporated in the bill, so far as I am concerned, I will be happy to vote for the bill. However, I question the wisdom of voting for the bill without the Wheeler amendment included. Even if all the fears proved groundless, even if the reorganization were the finest of which the mind could conceive, that would not be the point. All of these things, one added to the other, create a wave of fear, and in an atmosphere of depression like the one in which we now find ourselves Congress should seek to dissipate that fear, and not increase its density.

Therefore, Mr. President, I shall support the motion to recommit with the hope that the Wheeler amendment may be restudied and revised, if necessary, and that the bill may be again reported to the Senate, for if the proper safeguards are incorporated in the bill I shall be happy and pleased to give it my unqualified support.

My final word is that I do not wish to reflect on any man's motives; I have no basis in fact for doing so. I can only judge by appearances here and abroad, and I entreat those who have done me the honor to listen to reflect that this is one of the most important measures we have ever considered; and I ask Senators, as representatives of the people elected to legislate, who promised the people they would legislate, to vote to recommit the bill so that the safeguards mentioned may be incorporated in the bill as it is finally enacted.

Mr. BYRNES. Mr. President, I yield 10 minutes to the junior Senator from Rhode Island [Mr. GREEN].

Mr. GREEN. Mr. President, the prolonged debate on the reorganization bill is about to close. Much of it on both sides has been illuminating and helpful. On the other hand, much has been obscuring and harmful, because it has been inspired by partisanship; I mean not merely the partisanship of those of the minority party but also the partisanship of those claiming to be of the majority party, who seize upon every opportunity to oppose or obstruct the leader of that party in his efforts to carry into effect the principles of that party's platform.

The opposition of some of these opponents of this proposed legislation seems to be the result of unreasoning emotion. This is apparent from the fact that this whole question has nothing to do with partisan politics or with the New Deal. It is purely a question of efficient administration of our Government. The objective has been approved by both parties in the past. Similar means for attaining this objective have been proposed by both parties. Former Presidents have recommended such reorganization, and the matter has been advocated and discussed in Congress for a generation. In fact, I might go further and say that the most controversial item, namely, the proposed changes in the accounting methods in audit and control, have been advocated and discussed beginning with Alexander Hamilton, who approved a separation of the offices of auditor and comptroller.

Let me summarize briefly the record:

In 1893, a joint commission of the Congress was appointed to consider this subject. Well-known public accountants,

Haskins & Sells, were engaged as experts. A report was made, but nothing was done to carry out its recommendations. They have recently approved the principles of the pending bill.

In 1903, President Theodore Roosevelt appointed a committee for the same purpose. It suggested many reforms and made recommendations which were submitted to the Congress by the President. These were ignored by the Congress, except as to scientific and statistical services.

In 1910, President Taft appointed a commission on economy and efficiency, which was approved by the Congress. Its program comprehended the subjects in the present bill, and most of its recommendations were transmitted to the Congress by the President. Very few were approved by the Congress, and it declined to continue the commission.

In 1918, President Wilson recommended and Congress passed an act giving the President authority "to coordinate and consolidate executive bureaus, agencies, and offices * * *," but this was limited to the duration of the war.

In 1920, under President Harding, a joint committee of the Congress was authorized to plan such a reorganization. It submitted a reorganization plan, which, after modification in the President's Cabinet, was returned to the Congress in 1923. Hearings were held in 1924, but owing to various objections, no action was taken.

President Coolidge urged the Congress to enact the same reorganization bill, but his effort failed. He then utilized his authority under a more limited act passed in 1903, and did what he could under its too strict limitations.

President Hoover, immediately after his inauguration, appointed committees to study reorganization, as a result of which a few consolidations were made, but nothing comprehensive. In 1932 a special Economy Committee was appointed by the House of Representatives to consider the whole subject and submit a report suggesting certain changes, and recommending that the President be given wide powers "in order to deal with the problem expeditiously." The act gave President Hoover substantially the same powers of reorganization the proposed act will give President Roosevelt. In fact, the powers were broader than those now proposed, because in the pending bill certain commissions considered quasi judicial are excepted. Acting under the powers granted in the act, President Hoover planned a reorganization and submitted it to the Congress, but Congress refused to confirm it, and nothing was accomplished.

In this connection President Hoover said:

Either Congress must keep its hands off now, or they must give to my successor much larger powers of independent action than given to any President if there is ever to be reorganization; and that authority, to be effective, should be free of the limitations in the law passed last year which gives Congress the veto power, prevents the abolition of functions, and prevents the rearrangement of major departments. Otherwise it will, as is now being demonstrated in the present law, again be merely make-believe.

President Franklin D. Roosevelt himself on March 20, 1933, was given even greater powers by the Congress, but these powers had to be exercised within 2 years. At that time the pressure of other public business relating to the emergency, and the necessity for a longer study of the complicated question involved, prevented the President from exercising this authority except in the consolidation of a limited number of agencies. Had the President then been able to exercise these powers, or had there been no time limitation in the act, the President could have done then, or else do now, all and more than the present act will authorize him to do.

It is quite obvious why the Congress has always failed to act on the recommendations of the various Presidents. The same reason will hold good in the future. Any reorganization must necessarily call for transfers of functions from one department to another and for the elimination of certain departments, and so of certain officeholders. Congressmen with personal and local interests, objecting to the elimination of their friends or constituents, join together in opposition, and unitedly make that opposition effective. So, the only

practical way is to leave the matter to the President, as has been proposed during other administrations.

As I said before, this question seems to me to have nothing to do with party politics or even with the New Deal. It is purely a question of how to accomplish a businesslike reorganization of a most unbusinesslike conglomeration of departments, commissions, and bureaus.

Independent thinkers may well draw the conclusion from this long record of failure that the Congress, though sympathetic with the objective of efficient administration of our Government, is unable to achieve it. Congress, therefore, should be willing to authorize the President to do it.

This question of whether we can achieve efficiency in the administration of our Government is a fair test of the efficiency of a democratic form of government. Nowadays the people of a nation are judging its form of government by what that government accomplishes. They are judging the tree by its fruit. If it ceases to bear, or if its fruit is bitter, another tree is substituted in the hope that it may prove more satisfactory. Of course that hope is not always fulfilled, but the change has been made beyond recall.

The principal argument used today against a democratic form of government is that it is too slow and inefficient. If the Congress, representing all the people, discusses this question for a generation without results; if President after President recommends action and little is done to carry out that recommendation; if when a Republican President proposes, the Democrats in Congress refuse to agree, and when a Democratic President proposes, the Republicans and their allies in Congress refuse to agree, there is presented a spectacle of inefficiency which offers a striking argument for the opponents of democracy itself.

This is the very argument used by Stalin in justifying the great communistic experiment. It is used by the military government of Japan in its attack on democratic China. It is used by Mussolini in his justification of fascism, and used with contemptuous ridicule. It is used by Hitler in his tempestuous onslaught on all who oppose the spreading sway of the swastika. What Senator walked down Massachusetts Avenue a week ago and saw the red swastika flag waving over the entrance to the Embassy of the former Republic of Austria without a sinking of heart?

All dictators justify their rule by denouncing the inefficiency of democracy. Democracy is on the defensive. Those who oppose making it efficient are unwitting promoters of a dictatorship here also.

Mr. WALSH. Mr. President, I yield 15 minutes to the Senator from Michigan [Mr. BROWN].

Mr. BROWN of Michigan. Mr. President, there is no question as to the authority of Congress to enact legislation which will effect reorganization of the Government. No one else has such authority unless it is conferred by the Congress. Why does the Congress delegate this authority? The contention made by the Senator from South Carolina is that if the Congress should attempt the task, it would be so overwhelmed by the protests coming from every bureau and agency we affect that the halls and foyers of the Capitol would be crowded with Government employees in opposition to any change; that not only Washington employees but those throughout the country would deluge the mails, the wires, and the air with their lamentations; that the streets about the Capitol would be massed with milling thousands demanding the defeat of any change affecting their particular jobs. I think the picture is overdrawn, and I have by no means painted it with the brilliancy that the Senator from South Carolina exhibited. Nor have I exaggerated it with his consummate skill.

We may assume that the Government employees and the interested citizens are aroused. What difference will there be between the results that will follow from action taken in compliance with the provisions of the Senator's bill and the situation which would prevail if Congress had undertaken the job? When an Executive order comes to Congress, and, of course, if anything is done by way of reorganization many Executive orders will ultimately be pending in Congress, will

not the same persons protest when they know their jobs, their bureaus, and their agencies are in danger? Will there not be just as great a demand then that Congress pass a bill and save the job or the bureau? The pressure will be greater, because there will probably be two battles, one to pass the repealer and one to override a veto if a bill is passed. There will be 60 days of turmoil on each order, and a hundred orders as a basis for battle. I see nothing substantial in the argument the Senator from South Carolina makes. In any reorganization there will be protest and, for this body, decisions difficult to make. I have no doubt that the great majority can make those decisions on the basis of the general welfare.

We had to meet this test last week. We were deluged with demands for the exception of this agency or for the elimination of that bureau from the authority granted the Executive. I do not know how many exclusionary amendments were offered, but we spent days on them. The Senate rejected every one. I voted against every one. The result was a tribute to the ability of the membership of this body to meet a hard problem, to make a difficult political decision, and my high regard for its membership was increased. We have been through the test and the majority has proven that it can turn over to the Executive the task of reorganization unhampered by exclusion of this and that agency or bureau. Many of the amendments I favored in principle. I want the Forest Service to stay where it is. I want the Veterans' Bureau to continue as now constituted. I respect, sympathize, and agree with the views of thousands who wrote and telegraphed me on the subject, and when the issue comes before us, unless there are compelling reasons of which I now know nothing, I will not be moved from the position I have taken. But whatever power reorganizes this Government must have the opportunity to survey the whole field, view the entire problem, and decide the issues unhampered by a series of "thou shalt nots" written into the law. I refuse to hamstring the authority. Let me say to the proponents of this bill that the Congress has demonstrated its powers of resistance, and while there might be a failure now and then, I insist that we can do a good job. Last week's successive rejections of every restrictive amendment proved it.

Now as to a fundamental matter of democracy. It has generally been conceded that a democracy cannot act as promptly nor as decisively as a dictatorship. Thank God, it cannot. We may not move so quickly but we move more surely, and we should not move at all without the approval of those we here represent. I now ask, Mr. President, what forum exists under the Byrnes bill for hearing the views of the people, be they Government employees, citizens interested in the function of a government agency, or persons sincerely concerned with the success of the Government of the United States? There is none. We want to be right about this reorganization. It would be better if it were not done at all than to have it done without due consideration, without care, and without general approval. Where in this bill is the procedure provided whereby a citizen may have a hearing? Surely it cannot be contended that anyone could now or at the hearings on this bill adequately present objections to any proposed change of bureau, agency, or department, because no one knows what changes may be effectuated. Surely no citizen, especially if he is a little fellow, can get a hearing from the nebulous and now unknown agencies who will do the job. Surely our President, with his great responsibilities and burdens, cannot meet and talk with everyone who has a cause to present or an interest to protect. The only body that can give such opportunity is Congress. The only forum that is adequate is a congressional committee.

Let me digress to say that in most arguments we hear on this and kindred subjects we are told that a certain method proposed is unconstitutional, and if true, of course that is sufficient; but I feel much better when I am shown how and why a measure is unconstitutional. That barrier is now asserted so often that its mere assertion leaves me cold. I want to know why. The authority to reorganize the Government, because of the constitutional direction for separation of powers, lies in the Congress, because the Con-

gress is best suited and was thought best suited by the fathers of our form of Government to handle the problem. The Congress speaks for the people. It is the substitute for the people because they cannot all come here and legislate. We get our commission from them at each election. We are directed to set up the agencies of Government, and we are charged with responsibility for the allotment of their tasks. We set them up and we fix and limit their functions.

It follows, therefore, that we can abolish, transfer, and change them and their functions. Those powers properly exist in the Congress.

They are constitutionally there. It is no answer to say that after this authority is granted the Executive, and an order of transfer of a bureau comes back to Congress that a hearing can then be held by a congressional committee. Why? Because the Congress and, thereby, the committee has so weakened itself that it can no longer function by a majority. Its arms are atrophied; its powers are limited; it has bereft its majority of its potency. It has given to a bare one-third of the Congress a veto power for which there is no legal or moral justification. Indeed, under the bill as now constituted a mere handful of interested Senators can by filibuster force into effect an order which the great majority of the Senate opposes.

Is it right, is it fair to do this? I want to see the War and Navy Departments combined into a single department of national defense. I do not like the term "War Department." It sounds as if we had created a department to make war. Too often many of those charged with the military and naval affairs of the world have had just that purpose in mind. I want to see established a department of national defense under one responsible head, who could give due consideration to the newer weapons of modern times, such as the airplane, and place them in coordinate divisions of the department. But I do not want this done until responsible persons from each of the departments interested have the opportunity to convince me that I am wrong. They are entitled to their day in court, in committee, when the Congress is free to decide the issue by a majority vote, as the Constitution provides.

I want to combine all of our three or four bank examining agencies into one, so that there will be no duplication of organization. But I want the Federal Reserve Board, the Comptroller's office, and the F. D. I. C. officials to have an opportunity to present their views and show me, if they can, that I am wrong.

Most important of all, I want the people of the United States, through their Washington representatives, be they the A. F. of L., the C. I. O., the Grange, the veterans' organizations, or any other agency of the people, and the people themselves to have their day in court before a congressional committee, unhampered by any statute, rule, or order which deprives the Congress of its free expression by majority rule.

Mr. President, I was a member of the first five-man reorganization committee appointed by the Speaker of the House under the Roosevelt administration. I thought then, and I think now, that the Congress could best do the job. But I should not now oppose the bill, nor should I vote to recommit it, if it left final authority in a majority of Congress. I want reorganization. It is necessary. As to the method, I bow to the superior knowledge of the committee in charge if the safeguards I mention are added. But, Mr. President, I regret that the great ability of the junior Senator from Virginia [Mr. BYRD] is not used. An outstanding job of reorganization in his State was directed by him. He could be of immense help. The junior Senator from Colorado [Mr. JOHNSON], who is my intimate friend, has likewise done an outstanding job as Governor of that State. The Senator from Rhode Island [Mr. GREEN] when he was Governor of Rhode Island contributed greatly to efficiency in government and showed how to reorganize the courts, if that is desirable. The Senator from South Carolina [Mr. BYRNES] himself, through long service in the House and the Senate on the Appropriations Committees, has so qualified himself that I know of no man who is his superior and few, if any, his equal in knowledge of the shortcomings of our

administrative set-up. Why reject these men and turn the job over, not to the President—he cannot do it; it must go to subordinates—but to the very department heads whom we seek to bridle? They are the President's advisers, in many cases his appointees, and the men in whom he has confidence. O Mr. President, when the best-qualified man in the Government to do this tremendously important job, the Senator from South Carolina, proposes to turn it over to the very bureaucrats whom we now seek to curb, I have not the language to express myself.

But, despite all this, we must reorganize; and I am willing to accept the dulled sword the Senator gives us and use it. I shall vote for the bill if the Senator will accept one saving amendment. I voted for the Wheeler amendment. I did not like it as well as the one proposed by the Senator from Colorado [Mr. JOHNSON], the Senator from Iowa [Mr. GILLETTE], and myself, which provided, in substance, that an Executive order would go into effect unless the Congress, by concurrent resolution, declared it to be ineffective, preserving the control in Congress by majority vote. The best amendment of all was the carefully worked out amendment offered as a compromise by the senior Senator from Alabama [Mr. BANKHEAD]. But all of us were persuaded by the Senators from South Carolina and Montana and by our leader not to offer such amendments. I think it was a mistake; but without such an amendment, I cannot vote for the bill.

In 1932 the liberals of America spoke loudly, and they spoke through the historic party of the Nation, the one to which I have adhered all the years of my life. In 1936 they spoke again more decisively than before. They approved in general the progressive program of the Roosevelt administration. They recognized that the greatest instrument for liberal political action in modern times has been forged by the hand of the great leader of our party. Its fundamental rightness and its efficiency attracted the great liberals of the Nation, the Senator from Nebraska [Mr. NORRIS] and the Senator from Wisconsin [Mr. LA FOLLETTE], who supported it; and it won many commendations from the great liberal from Idaho [Mr. BORAH] and the great liberal from California [Mr. JOHNSON], who sit in the Senate. They only reflected the sentiments of millions who thought likewise.

Two measures have weakened that instrument of political action. One was the Court measure, with respect to which, with the greatest of reluctance, I departed from my chief, whom I still consider the greatest liberal of this generation. Some of us begged him to abandon the plan, pointing out that his objectives had been won and that victory was his without violence to the fundamental law, and without offense to millions of his supporters, a month before final defeat. For the first time this great instrument of political power which 1932 created and 1936 strengthened was weakened. Liberal fought liberal. Real liberals found themselves fighting hand in hand with conservatives. The lesson of that battle and its result on this administration seem at times to have been lost on our leadership.

The pending measure, while by no means so important, by no means so fundamental as the Court fight, comes to divide us again. Many with whom I daily commune in the Senate and the House have felt that the wounds of the last battle were healing, and that again we could present a reasonably unified front.

Let me say that I shall continue to support the administration. I am making no threat of opposition. I am a Democrat, and I shall continue to be one under the leadership of our President, as many others will. But this is not the important fact. What Senators hereafter do will make little difference. I am concerned, deeply concerned, over the great body of citizens who left the Republican Party and came over to us, and gave us a large part of our margin of victory. I am concerned over the great body of Democrats who are disturbed over the abdication of our powers. These together form a very large part of the liberal movement today. Are we going to abandon them? Are we going to close our minds to their views? Are we going to widen the breach? Shall we demonstrate that this

newly forged liberal party cannot function with due regard for a large section of its supporters, represented here by over 30 Senators? Mr. President, if we do so divide the liberals of America, the powers which for 30 years dominated the Republican Party will again, through that party, take over the Government. The great movement for the underprivileged, for labor, for the farmer, the small-business man—in short, for our progressive program—will again languish in defeat.

I appeal to our leadership to give us consideration. Accept one of these amendments, one which will assure the people a hearing on changes before they become effective, and leave final authority for changes in the Congress, where it belongs. By so doing the Democratic leadership will continue to justify the faith of our people, and our majority will be strengthened to continue the battle for our progressive social program.

Mr. BYRNES. Mr. President, I yield 15 minutes to the Senator from Oregon [Mr. REAMES].

Mr. REAMES. Mr. President, I have been in the Senate such a short time that I hesitate to encroach upon the customs which have been so long in force in this body. I should not rise to speak now if the situation did not demand that I make my views known.

I have received some 2,000 communications regarding the bill. Nearly all of them emanated from New York City and vicinity. Almost without exception they have urged me to oppose it. That circumstance shows to any mind familiar with the situation that the letters and telegrams were inspired, more or less, from the same source. They are what we call propaganda. I have received some which are very discouraging and very discourteous, and which intimate that I have ulterior motives. I am thankful to say, Mr. President, that I am not a politician. I have no political desires. I have no political ambitions. I have but one thing to do, and that is to serve my country as best I know how. I will do that in the face of a million telegrams.

I think the bill is thoroughly understood. It does not permit the abolishment of any of the executive departments, which are 10 in number. It does not permit the abolishment of any independent establishment of the Government.

It is commonly believed and commonly said on the floor of the Senate that some reorganization must be made. The problem is, Who shall make it, and how is it to be made? There have been many efforts to make it in the past. We are confronted with a practical proposition. As of December 31, 1937, there were 813,302 persons employed by the Federal Government. Of that number, 103,329 were in the city of Washington. If Congress itself should undertake to accomplish the reorganization, those employees would alight upon us like a swarm of bees. Bees alight on an apple tree when they are hunting a new home; but these employees would not be hunting a new home; they would be here to urge that their status be not disturbed.

It is true that under the terms of this bill approximately 200,000 employees would be covered into the civil service. But the fact is that if we are ever to have a reorganization, it ought to be accomplished before any more employees are added to the civil service. We owe it to those who are under the civil service and who think they have positions which they will be able to occupy through all the years, to see to it that they are not disturbed.

If I believed for one moment that any of the dire things which are talked of could happen, if I believed that we were about to wipe out democracy, or to establish in this country a government contrary to our institutions, I should not be in favor of the bill, any more than are those who oppose it.

I have heard it said on the floor of the Senate time and again that we are giving away the powers which the Constitution vested in the Congress.

I am in the presence of some of the best constitutional lawyers in this country. While they urge that we should not give away and delegate legislative powers, and I know that they are honest in their belief in that respect, at the same time I know that we could not give away legislative powers if we desired. This body has no power to give away or delegate a legis-

lative function. The Government of the United States is a government of delegated powers, and the powers that are not delegated are by the tenth amendment reserved to the people.

In 1935, in the Panama Oil case, the Supreme Court of the United States decided that the Congress could not delegate any essential legislative powers. And in the *N. R. A.* case, which followed the Panama oil case in the next year, the Supreme Court reiterated the same doctrine and held that no such power could be delegated.

I feel, Mr. President, when we pass this bill and it becomes the duty of the President to execute it, that in any reorganization he may undertake he will take a constitutional view of the statute and will construe it according to the decisions of the Supreme Court of the United States. He will not find in the bill any delegation of legislative power, because we have no power to give it to the President; and I am not willing to assume that the President will step into the field of legislation and attempt to go beyond the Constitution and the decisions of the Supreme Court.

I can understand, if you please, Mr. President, that a great deal of money may be saved by coordinating various governmental agencies and bureaus. When the Congress establishes an agency it at once sets up all the machinery necessary for its operation. It never decreases its personnel. If it is to work in the field, if it is to build a plant, if it is to do anything of that kind, it employs its engineers and all the force that it needs. Such agencies have been established by the dozen, and thus we have services duplicated. There is no occasion for that. When an agency has served its time, as many of them have, and served its purpose, it ought to be abolished. That, however, is not what happens. It goes on and on and on, and that process will continue until some coordination and adjustment shall be brought about.

With the distinguished Senator from Maryland [Mr. TYDINGS], I agree that one of the worst things we can contemplate is fear. But I do not think anyone should stand on the floor of this chamber and raise apprehension and doubt as to the duration of our democratic system and our democratic form of government. There is nothing in the present situation to justify such alarm. Reorganization of governmental bureaus and agencies can proceed; the measures taken will be submitted to Congress, and Congress can act upon them.

My attitude may be in opposition to the views of some of my best friends who have communicated with me. I welcome advice. I like to hear from my constituents. I do not represent myself. I represent them, and I represent, in my humble way, the great Government of the United States upon this most important occasion.

I wish to give credit to every man for his opinion; I believe in the honesty of those composing the membership of this body; I have confidence in their good judgment; I appreciate their friendship, and I am sure that they believe in the patriotism of the President.

Mr. WALSH. Mr. President, I yield next to the Senator from Michigan [Mr. VANDENBERG].

Mr. VANDENBERG. Mr. President, democracy is losing ground all around the world. None of us has any trouble in recognizing this tragedy abroad, but we complacently ignore it at home. We ignore it in the pending bill. In the fictitious name of an economy which is nowhere promised, and in the disguise of an efficiency which is nowhere assured, we are asked again to subordinate congressional authority to the Executive and to abrogate yet more of those powers which the Constitution demands and democracy requires that we should vigilantly guard and exercise. It is all very plausible and painless. But it is all part of the deadly pattern which one day suddenly becomes the totalitarian state. It can happen—it is happening—in America. It happens just a little easier after this bill transfers a few more key prerogatives from Capitol Hill to 1600 Pennsylvania Avenue.

Each time some skeptical Senator has been aroused against some special menace in the bill, there usually has been a prompt and consoling assurance from high authority that

this delegated power will not be used to achieve the particular tragedy in mind. So we are not voting on the textual possibilities; we are voting on Executive assurances that these textual possibilities, thanks to Executive clemency, will not occur. We grant the power on assurance that it will not be used. Only yesterday, the final assurances came through to the railroad brotherhoods that their particular fears may sleep peacefully under a Presidential anesthetic. I decline to believe, Mr. President, that the Senate of the United States will slumber in such a coma. Assurances have too often broken down in recent memory. We have a right to vote on just one basis: What does the bill say, what can the bill do? The very fact that so many assurances have had to be given in pursuit of acquiescent votes is the complete confession that the bill itself textually violates the national conscience and the sworn responsibility of Senators.

I do not intend to reiterate wearying but ominous details. I merely summarize. Specifically, for four reasons, the bill should be recommitted:

First. It delegates to the President complete powers of administrative reorganization, which in their very nature may affect vital activities of government, without an opportunity for congressional review. This is potential dictatorship—and if that be contumacy, make the most of it. The defeat of the Wheeler amendment stopped the democratic process in its tracks.

Second. It completes the delivery of the public purse to the Executive who already has the sword. With sword and purse, the President moves farther away from democracy and 130,000,000 people move still nearer toward complete American government by Executive decree. The defeat of the Byrd amendment, saving the Comptroller General, announced that our executive spenders may be above the law.

Third. It robs 800,000 civil servants of bipartisan, non-partisan protection and delivers them to a civil-service dictator who may be removed by the President at will. The defeat of the Walsh amendment struck the merit system in its solar plexus and invited concentrated executive authority to run a self-perpetuating machine.

Fourth. It creates a new Cabinet department, with all the costly mechanism and appetite which inevitably attach to one of these establishments—and it does this without so much as 10 minutes of debate and deliberation upon this subject during the consideration of this bill.

It is not enough to say that the President to whom these powers are given will scrupulously avoid their exploitation. This is—or is supposed to be—a government of laws, not of men. It is our responsibility to write these laws, and to write into them the warrant that they—and not their administrators—will protect the public interest. The pending bill violates this public trust. It should be recommitted so that it may be rewritten to permit the widely needed reorganization of administrative agencies, on Presidential initiative, if you please, but upon unrelenting congressional responsibility from start to finish. It should be shorn of its Presidential monopoly, and of its license to one-man power. It should be rewritten for a continuing democracy under the Stars and Stripes.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. BYRNES].

Mr. WALSH. Mr. President, in the absence of the Senator from South Carolina, I yield 5 minutes to the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, this debate is not confined to the Senate. With the exception of the Supreme Court discussion, not in our time has the public been so stirred.

The League of Nations question did not divide the American people as this reorganization plan has done. The bonus question aroused a great and influential group of veterans. There were letters of protest, of course; but they were infinitesimal in number compared with the messages of the past week.

Who can believe that the great masses of our people want this legislation? If there are such, I have not heard from them. Never before have my constituents in large numbers called me on the telephone to beg that I vote against a bill. When humble citizens spend money to telegraph and telephone they are deeply stirred. Why are they stirred? Why do their voices tremble with emotion? Because of fear, deep alarm, apprehension beyond words to express.

Let us consider the pending bill, not as legislation of an emergency nature, something essential to the public welfare, something that must be enacted now in order to save the Nation from disaster, physical or economic. It is not that. No honest man can contend for a moment that the pending legislation must be forced through because of some imminent need. There is no such need. When protest has been made on this floor against this, that, or the other provision, assurance has been given that in all probability that particular provision would never be used.

Against the protest of every ardent and informed friend of the civil service, the revolutionary change in accepted civil-service practice was ruthlessly forced upon the Senate. Against the protest of every businessman in America, and in complete reversal of the Democratic policy in the Congress at the time the General Accounting Office was established, the Comptroller General has now been thrown overboard.

But for the moment let us concede that the measure is desirable. It has been urged that during past administrations similar bills passed the Senate almost without debate, and that for that reason this bill should now be accepted. Why is it not acceptable now, since it was acceptable then?

The answer is readily found. We have dictators now. In Russia, Germany, and Italy there are dictators. France has abandoned her old-time devotion to the capitalistic system. Spain is in the throes of revolution. Within a few days Austria has lost her political independence. England has forgotten her old-time firmness and aggressiveness. China is now under the heel of an oppressor.

You and I, Senators, may not face the future with apprehension; but what about the women of America, the white-collar class of our country, those who still retain their homes and their life insurance, all who love their freedom and individual independence? Are they to be forgotten today?

I ask Senators, those who are ardent advocates of the bill, but particularly those who still listen to the country, to the millions of our people who are trembling with fear over the possible implications of this bill, is not this a time to follow St. Paul and emulate his example in dealing with the feelings of certain citizens of Corinth?

I am not going to preach a sermon to the Senate, but I desire to read from the eighth chapter of the First Epistle of Paul to the Corinthians, beginning at verse 4. He was speaking about meat offered to idols. Paul said:

As concerning therefore the eating of those things that are offered in sacrifice unto idols, we know that an idol is nothing in the world, and that there is none other God but one.

For though there be that are called gods, whether in heaven or in earth (as there be gods many, and lords many)

But to us there is but one God, the Father, of whom are all things, and we in Him; and one Lord Jesus Christ, by who are all things, and we by Him.

Howbeit there is not in every man that knowledge: for some with conscience of the idol unto this hour eat it as a thing offered unto an idol; and their conscience being weak is defiled.

But meat commendeth us not to God: for neither, if we eat, are we the better; neither, if we eat not, are we the worse.

But take heed lest by any means this liberty—

And in the original the word "liberty" means "power"—

take heed lest by any means this power of yours become a stumbling block to them that are weak.

For if any man see thee which hath knowledge sit at meat in the idol's temple, shall not the conscience of him which is weak be emboldened to eat those things which are offered to idols;

And through thy knowledge shall the weak brother perish, for whom Christ died?

But when ye sin so against the brethren, and wound their weak conscience, ye sin against Christ.

This is Paul's conclusion:

Wherefore, if meat make my brother to offend, I will eat no flesh while the world standeth, lest I make my brother to offend.

As surely as there is a God above us, to pass this bill will give offense to millions of our people. You may call them weak. If they really are weak, there are many of us here who are weak. But why give offense to multitudes who are trembling with fright?

I say to my friends of the Senate, no matter how you may personally feel about this measure, there are millions of our people who are disturbed and harassed and suffering. Let us not disregard them. We should by all means, as I see the matter, recommit the bill.

Mr. BARKLEY. Mr. President, on behalf of the Senator from South Carolina [Mr. BYRNES], who is temporarily absent from the floor, I yield 10 minutes to the Senator from California [Mr. McADOO].

Mr. McADOO. Mr. President, this morning I received a large assortment of telegrams from constituents of mine in California, urging me to vote for the motion to recommit the pending bill. I am quite sure the senders of the telegrams are well-intentioned and that they are really alarmed about the possibility that the reorganization bill may pass; but I do not think there is any occasion for their alarm. I do not know who inspired the sending of the telegrams, but whatever the source from which they have come, or whatever has occasioned their coming, I must be governed in my vote by my own conscientious convictions as to what should be done.

I do not believe democracy will be endangered by the passage of this bill. I do not believe the Government is going to be destroyed or imperiled because we dare to give the Executive of the Nation power to do some things which are essential in the reorganization of the departments and the independent agencies of the Government. We all know that we have here a growth over a period of years, and that many extraneous things, some of them excrescences, have grown up and around the various governmental agencies and departments and we know that they ought to be removed. Anyone who has had experience in this body, and more particularly anyone who has had any experience as a member of one of the great executive departments of the Government, must know that we can never effect any reorganization or any improvement in the organization of the Government unless we are willing to entrust to the head of the Government the power to bring it about. One man must do this job, and so long as that one man is so restricted that he must complete the job within a brief period of time, I not only cannot see that the Government is endangered by it, but, on the contrary, I think the public interest will be served.

In my judgment, the President of the United States is sufficiently patriotic and sufficiently intelligent to do this job in such a way that he will effect the reforms that are essential, and his patriotism is so great that the Constitution of the United States will survive the ordeal, if it be an ordeal, through which we are going to put it, by empowering the President to effect much needed reforms.

We are giving the President 2 years within which to do this job and report back to Congress. The reforms will go into effect during that time. The argument has been made to me, and I have heard it on the floor repeatedly, that if the President puts the reforms into effect, and the Congress is not satisfied with them, and should enact legislation to alter the structure which the President creates, it would take a two-thirds vote to give effect to our action. Well, suppose it should. Do we not live under that rule all the time with respect to any legislation which is enacted in this body? No matter what reform we may effect by legislation, and no matter what legislation we may pass concerning any matter, it stands until repealed by Congress; and if the President should veto the repeal, of course it must be passed over his veto by a two-thirds vote if it is to be passed at all. That is our constitutional system; and it seems to me that in enacting essential legislation to meet the conditions which exist, we must never be deterred by the

fact that if conditions change and we desire to alter any reorganization plan by legislation, the President might veto the new legislation, and therefore we should have to command a two-thirds majority to accomplish what we desired to do.

I repeat, that is our system of government; and in all the legislation we enact, and in everything we do, we must take the chance that if we desire to reverse our action some time in the future, a President may veto the reversal, and in order to overcome his veto we must do it by a two-thirds vote.

Mr. President, I have had some experience in one of the great executive departments of the Government. I had the honor to preside over one of them for 6 years. I know that when Woodrow Wilson became President of the United States one of the reforms he was most anxious to accomplish was a reorganization of the governmental departments and agencies. He set out to do that, but immediately was confronted by the fact that he lacked the legislative power to put into execution the things he wanted to do. He would have sought that power from the Congress, but unfortunately the World War intervened, and all his plans for that purpose were frustrated.

Since that time many more agencies have been created under the stress of a great emergency. These agencies have not been, in my opinion, as well constructed as they might have been. They represent a compromise, so to speak, a compromise of the character which we nearly always have to effect in order to get legislation of any character through both bodies of the Congress. Therefore they are not welded agencies; they are not homogeneous agencies; they are not well related agencies; and they are costing the taxpayers of the United States a great deal of money. Not only that, but inefficiency in administration results.

The great trouble in Washington with Government business is the inertia resulting not only from red tape, but because we have an inefficiently constructed Government. I submit to my colleagues that if we are ever to have a reform in this great matter, which has become more vital than it ever was before, we must entrust to the President of the United States the power to effect the necessary reforms, and then let Congress correct any errors he may subsequently make. Error by the Executive is a risk we have to take in all legislative action, and, for my part, I am not afraid that the Constitution is going to be destroyed or that the President will not exercise the powers proposed to be committed to him wisely, conservatively, and for the best interests of the American people.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House further insisted upon its disagreement to the amendments of the Senate Nos. 24, 26, 27, 28, and 37 to the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. JOHNSON of Oklahoma, Mr. FITZPATRICK, Mr. JOHNSON of West Virginia, Mr. HOUSTON, Mr. WIGGLESWORTH, and Mr. DIRKSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9915) to amend the Agricultural Adjustment Act of 1938, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. FULMER, Mr. DOXEY, Mr. HOPE, and Mr. KINZER were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8524) authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, and it was signed by the President pro tempore.

REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. WALSH] to recommit the bill.

Mr. WALSH. Mr. President, I yield 1 minute to the Senator from Kansas [Mr. CAPPER].

Mr. CAPPER. Mr. President, I desire at this time to call attention briefly to a letter I have just received from Mr. Fred Brenckman, Washington representative of the National Grange. This great farm organization, with a membership of more than 800,000, urges that the pending bill, which would empower the President to reorganize the executive departments, be recommitted, denouncing it as bad legislation.

I wish particularly to call attention to the letter representing the views of the National Grange, one of the great farm organizations of this Nation, having a membership of more than 800,000, with a long and honorable record of intelligent and patriotic interest in public affairs and the conduct of public business.

The Grange indictment of the reorganization measure includes the following points:

First. Its enactment would be a blow to the cause of popular government.

Second. It would vest in the President unwarranted and dangerous powers.

Third. It would reduce Congress to the status of a spectator in governmental affairs.

Fourth. Its enactment would mean abandonment of the processes of representative government.

Fifth. The measure still leaves the way open for transfer of the Forest Service and various other agencies in the Department of Agriculture to the Department of the Interior—or anywhere else one man might decide to place them.

Sixth. The measure would scrap the Civil Service Commission; the Grange fears the implications involved in substituting a one-man administrator for the bipartisan Commission.

Seventh. It is not even asserted that any economies would result from the reorganization contemplated under the provisions of this bill.

Eighth. The Grange suggests that the bill be sent back to committee to be rewritten in the public interest.

Mr. President, I agree with the position taken by the Grange in regard to this measure, but feel that Mr. Brenckman used very mild language in pointing to a few of its worst defects.

This is a vicious bill striking at very vital principles in our form of government.

It will make one man virtually dictator of the Government of the United States for nearly 2 years.

If Congress enacts this legislation, it will abdicate completely powers and duties conferred upon the legislative branch of the Government by the Constitution.

This bill is a most dangerous measure, Mr. President, and I sincerely trust that the Senate will heed the advice of the farm organizations and vote overwhelmingly to recommit the bill for further study.

I ask unanimous consent to have printed at this point as part of my remarks the letter from Mr. Brenckman representing the position of the Grange.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., March 23, 1938.

To the Members of the Senate:

In our opinion the enactment of the pending bill for the reorganization of Federal agencies in its present form would be a blow to the cause of popular government. It would vest the Executive with what we conceive to be wholly unwarranted powers and would reduce Congress to the status of a mere spectator in the work of reorganization.

This would mean the abandonment of the processes of representative government and would degrade the ideals of American democracy.

While the provision for the creation of a Department of Conservation has been dropped from the bill, the measure, as it now reads, leaves the way open for the transfer of various agricultural agencies to the Department of the Interior. We regard it as significant that Secretary Ickes publicly announced his gratification over the defeat of the attempt to amend the bill so as to forestall the transfer of agricultural agencies to his Department.

We are strongly opposed to the scrapping of the Civil Service Commission and the substitution thereof of a single civil-service administrator, with all that such a move would imply. Since the advocates of the pending bill themselves say that the reorganization plan under consideration would not effect any economies, and since Congress would be deprived of any reasonable opportunity to pass on Executive orders for regrouping Federal agencies, we earnestly advocate that the bill be recommitted to committee for further study and redrafting. We are persuaded that such a move would redound to the public good.

Yours sincerely,

THE NATIONAL GRANGE,
By FRED BRECKMAN,
Washington Representative.

Mr. WALSH. Mr. President, I yield 15 minutes to the senior Senator from Idaho [Mr. BORAH].

Mr. BORAH. Mr. President, we are fully aware now, if we did not know before, that the reorganization of the agencies of the Government is not only a very important matter but a very difficult one. The debate and the consideration of the pending measure thus far have accentuated the difficulty.

Bureaucracy is a disease of government, and there is no instance on record in which any government has ever found a cure for it. It attaches itself to all forms of government. It was the only feature of government which survived the downfall of the Roman Republic. It was the only feature of government which survived the downfall of the French monarchy on the coming of the French Revolution. It has greater and more persistent staying power than government itself. The problem which confronts us is the restraining and the controlling of the remarkable bureaucratic growth in this country. Burdensome to the taxpayer and destructive of democratic principles, bureaucracy means much more than a casual reading of the proposed bill would indicate.

It is not merely a Federal problem; it is a State problem and a city problem, and while of course we cannot deal with the matter here except in its Federal phase, what we do or fail to do will have great weight with the States and with the cities.

The question which I wish to submit to my colleagues today in closing this matter, so far as I am concerned, is, Do you believe that we can accomplish anything in the way of satisfactory and sufficient reorganization without the close cooperation of the executive and the legislative departments of the Government? Do you believe that it is possible to perform this work in a way which will be satisfactory to us in the future and satisfactory to the people, and of some saving to the taxpayers, and bringing about greater efficiency in government, without the close cooperation of both the executive and the legislative departments? Does not this supertask call for the effort of both departments?

There is great need of the knowledge of the Executive relative to the workings of the machinery of government, and there is need of the judgment of the Executive as to what portion of the machinery may be rearranged or disposed of. But there is also great need of the judgment of the legislative department on the matter of policy. In other words, we cannot under the Constitution delegate sufficient

power to the President, even if we desired to do so, to enable the President to do anything like a complete and satisfactory piece of work. We have not the power under the Constitution to delegate to the President, even if we desire to, sufficient power to enable him to do a thorough job. This entire question could be met, however, by providing that any proposal looking to substantial and fundamental changes should be brought back to the Congress for approval.

Mr. President, as an illustration, let me call attention to the fact that if lawyers, or the laymen, so far as that is concerned, will read the pending bill in the light of the decision of the Supreme Court in the *N. R. A.* case, they will have no difficulty in reaching the conclusion that the delegation of power in the pending bill comes within the inhibition announced in that decision. The language used in the pending bill is strikingly similar to the language used in the National Recovery Act. I have not the time today to make any extended remarks upon that subject, but I do ask Senators to indulge me while I read a single paragraph from the decision in the *N. R. A.* case, and then compare it with the language of the bill we are now considering. The Court said:

The President in approving a code may impose his own conditions adding to or taking from what is proposed as—

Quoting from the bill—

in his discretion he thinks necessary to effectuate the policy declared by the act.

What does the pending bill do? It says to the President, "You can exercise your judgment and discretion to accomplish whatever you think is necessary to effectuate the final purpose of the bill." Am I mistaken in regard to that? I read from the bill:

The President shall investigate the organization of the various agencies of the Government and shall determine what changes therein are necessary to accomplish any of the following purposes.

The following purposes are specified: To curtail expenditures, if possible, to make Government more efficient, if possible, and so forth and so on. In other words, the general proposition is that the President is to exercise his judgment and his discretion to the end that he may accomplish the reorganization of the Government. It is all completely within his power.

In this particular, Senators will remember that Justice Cardozo said that such universal grant of power was delegation of power run riot.

This question of doubtful legality arises by reason of the fact that the proponents of the bill are not willing to provide that any orders making changes shall be brought back to the Congress in order that the Congress may approve them and the legislative department of the Government perform its function. Therefore it is proposed that we delegate power which we have no right to delegate, and if the question is ever tested, in my opinion it will be found that the act comes clearly within the rule laid down in the National Recovery Act case. Those who are responsible for the terms of the measure before us have in their great desire to exclude Congress from any part in the reorganization sought to keep within legal bounds. But it is entirely doubtful if they have been successful. But ample power could be granted to the President to enable him to eliminate, consolidate, and abolish if the proponents had been willing to recur to the Congress for approval or disapproval.

We are traveling in a circuitous route in order to accomplish that which we think we cannot accomplish directly lest it would be too great a delegation of power. The President may not in the first instance abolish an agency, but he may take the heart out of it, the internal operations out of it, and then he may abolish it. In other words, it is like saying that you may not shoot a man in the first instance, but you may take his heart out, and take his entrails out, and then if he is still alive, you may shoot him. [Laughter.] That is precisely what is proposed by the pending bill we do in a circuitous, roundabout way.

That would be answered, if we had any confidence in the Congress of the United States, and would provide that any

changes proposed should be brought back to the Congress for approval; no question of the delegation of power would at all arise. It has been alleged that this is not a delegation of power. But did we not create the agencies? They could not have been created without Congress, they cannot be abolished without the authority of Congress, they cannot be consolidated without the authority of Congress. The entire set-up of the great machinery of government is the result of legislative action, and in my opinion we cannot destroy that great machinery without consulting the agency which created it. It calls for legislative action of the highest order. If the President could abolish or consolidate these agencies without authority of Congress you may rest assured he would not be here asking for authority. He cannot act without we give him power which belongs to Congress. Therefore the only question is whether in granting legislative power we have provided rules and standards sufficiently specific to make the grant legal.

But, Mr. President, aside from that question, in my opinion we as Senators have no right to disregard our obligation of performing the duty as it devolves upon us, and undertaking to delegate it to another department.

In the debate it has been said that reorganization will take time; that if the President's orders come to the Congress action upon them will take time; that it will lead to debate and lead to discussion, and that some of the orders might be turned down.

Mr. President, why was this Government created in the way it was? It was so created for the purpose of bringing into action not only the executive department but the policy-making department—the legislature itself. Perhaps such an organization would lead to discussion. That was the reason the Government was created in the manner it was created. Perhaps it would lead to debate. That was the reason the parliament was created. Perhaps it would lead to friction. That was the reason the parliament was created. It was created so that no single individual could slide through, without debate and without consideration, changes in the most fundamental affairs in our Government.

May I read a single paragraph from a great liberal, perhaps the greatest of all the men who carry that title, but certainly one of the greatest among them? Speaking of this very subject, Mr. Justice Brandeis said in one of his opinions:

The doctrine of the separation of powers was adopted by the Constitution in 1787, not to promote efficiency, but to preclude the exercise of arbitrary power.

The men who framed the Constitution felt that there was something besides efficiency, about which we hear so much. There was a purpose in the Constitution to preclude exercise of arbitrary power. And, Senators, when we take away from the Congress of the United States all say with reference to the vast machinery of government which we have set up, we are making another inroad into the system of government which divides our Government into three separate parts. We are making another step which may ultimately be used after the present President has passed on and after we have passed on, as a precedent for something which we did not have in contemplation.

It has been said that opposition to the reorganization bill is an attack upon the President. It is not so with me. I would trust the President of the United States to exercise any power that the Constitution of the United States permits him to exercise. I would not hesitate to have him exercise such powers as he took an oath to exercise under the Constitution of the United States. But neither President Roosevelt, President Hoover, nor any other President, has the right to come to Congress and ask for the exercise of powers which are not granted to them by the Constitution of the United States. It is not my purpose in casting my vote to reflect upon any man's integrity of purpose. It is my purpose, if I know how, to protect the Constitution of the United States and the rights of the people under the Constitution, which I have taken an oath to uphold.

Mr. President, something has been said in the Senate about assurances, and a statement was read the other day from

Secretary Wallace. This is another illustration of the proposal which I am discussing. We in the West are interested in holding the Forest Service in the Department of Agriculture, and so our people have read Mr. Wallace's statement to the effect that we are on safe ground, and that we need not be uneasy. Let us see what he says:

Under the bill as reported to the Senate there is no implication requiring or inducing any further consideration of the transfer of any agricultural functions from the Department of Agriculture to any other department.

Secretary Wallace said that—

There is no implication requiring or inducing any further consideration of the transfer.

Of course, there is nothing in the bill implying that there should be a transfer; of course, there is nothing in the bill persuasive of any reason for any transfer; but there is in the bill the absolute power to do it. The proponents of the bill did not enter into arguments and did not undertake to present reasons, but the bill gives the power to the President of the United States to make the transfer. It was once said, I believe, that Talleyrand declared that language was created for the purpose of concealing thought. Now Mr. Wallace is not only an expert in making one ear of corn grow where two ears grew before but he is possessed of great gift of speech. He has no difficulty in making himself understood. Mr. Secretary Wallace does not say there is no power in the bill to make the transfer. Mr. Secretary Wallace does not say that he is opposed to the transfer. And Mr. Secretary Ickes has not spoken. He must know "sumthin'" [laughter in the galleries], but like Old Man River he never says "nuthin'" on this subject. He is the gentleman who, it is claimed, has stated long since that the Forest Service will be transferred to his Department. It would have been helpful had he thought it wise to say a word.

Mr. President, I wish to present one more thought. Sending this bill back to the committee does not kill the bill. It sends it back for the purpose of putting it in a more satisfactory condition to accomplish the great task which we are undertaking to accomplish, and that is to reorganize the agencies of the Government. It sends it back for the purpose of enabling the bill to be so drafted and such language used as will engage both the executive and the legislative departments in this great undertaking, and believing as I do in reorganizing, and believing as I do further that it cannot be well done and effectively done upon broad lines without the cooperation of both the executive and the legislative departments, I shall vote to send the bill back to the committee.

Mr. BYRNES. Mr. President, I yield 10 minutes to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, I am a member of the select committee appointed to consider this piece of legislation. I regard it as a very important bill, because I think that every student of government, every Senator, and every Representative is convinced that a thorough-going reorganization of the executive branch of the Government is essential to its efficient operation.

We all have to admit that Government agencies have grown a good deal like Topsy. When new functions of Government have been created their allocation to any particular department usually has been the result of the choice and decision of those most interested in their inauguration. I think it will likewise be conceded that new agencies and activities of Government upon their creation usually have been lodged by those interested in the particular proposals in departments where at the time of their creation it was conceived that they would find a more friendly and congenial administrative atmosphere.

I make this statement because I think in no other way can we account for the many instances which are known to every person conversant with Government organization of agencies and functions which are found in certain departments, but which have no apparent relation to the activity and the general character of work carried on by such

departments. Inevitably, this situation has produced confusion and overlapping of functions.

I do not think there is a single member of the committee, whether he is supporting the bill or not, who will not concede the urgent necessity for Government reorganization. As a member of the committee, I have become convinced after months of study that the bill affords the only means whereby we may secure a reorganization of governmental agencies.

I do not criticize Senators or other citizens who do not find it possible to support the measure, because they feel that it does not contain proper safeguards surrounding the delegation of power. Personally, I am satisfied that the safeguards provided are adequate, and that no serious harm can result from the bill to any function or activity of government now carried on, for the simple reason that there can be no abrogation or abolition of functions which are now being discharged by any agency or department of government.

I also think it will be conceded that much of the apprehension expressed in debate with reference to specific examples of possible transfer of agencies of government from one department to another has been predicated upon the basis of the personnel at the head of the respective departments. I do not believe such arguments should have weight in the consideration of a matter of such vital and lasting importance, for all of us must recognize that the present personnel in the various departments will not continue indefinitely. All of us who are supporting the bill hope, however, that as a result of its enactment many reorganization orders will be issued which will tend to reduce and to do away with the overlapping and inefficiency which we now recognize to be existent in the organization of the executive branch of the Government.

Therefore, Mr. President, I do not share the apprehensions which have been expressed by specific groups and organizations which have been appealing to Senators to oppose the bill. I think their apprehension as to the measure is predicated upon a lack of understanding that functions may not be abolished but may only be consolidated and rearranged in an efficient manner.

A great hue and cry has been raised to the effect that the bill is a step in the direction of dictatorship; that it is the first move toward a totalitarian state. I think among those who shout cries of alarm there is little realization that they are doing a disservice to the democratic process in crying "Wolf! Wolf!" and in raising an alarm over measures which do not justify such conclusions.

In the last analysis any failure of the democratic process in the economic crisis throughout the world has not been due, in my opinion, to bad men or to bad leadership. Wherever the democratic process has gone down before the impact of the complex problems presented everywhere throughout the world by modern industrialism, it has failed because the democratic process has not grappled with those problems and solved them to the satisfaction of the people.

Under any philosophy or point of view of government in America we are forced, and we shall be forced in the future, to deal with complex problems. The present administration may be succeeded by one very much more conservative in character; but, if such a change occurs, I venture the prediction that any conservative administration which may succeed the present one will continue to be confronted by the complex problems of modern industrialism, and that despite protestations to the contrary, no future administration will be in a position to discontinue the effort of government to meet and to solve those problems. If we are to preserve the democratic process in this country, Mr. President, in my opinion government must be efficient. It must be manned by a personnel which is trained and competent to deal with the complex problems which now confront the citizens of this Republic and their Government.

Because I believe the pending measure holds out some hope of a reorganization of the executive branch of the Government which will result in greater efficiency; because I am convinced that in essence the measure will greatly advance the principle of trained personnel under the merit system; because I believe the bill will introduce into Government

principles of accounting and accounting practice which are recognized as sound all over the country; because I believe the bill is a step in the direction of creating a more efficient organization of Government service to enable Government to meet pressing problems, without hesitation I shall cast my vote against the motion to recommit. Let no Senator be misled. A successful vote to recommit means the end of the present effort for more efficient Government.

Mr. WALSH. Mr. President, I yield 10 minutes to the Senator from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. President, a year ago, when like a vagrant meteor the Court-packing scheme burst upon the horizon of our Legislature, the people, both legislators and onlookers, stood aghast, astonished, and bewildered. Little time had they to appreciate what that bill then was; and no time had they to appreciate that the complement of that bill, the so-called reorganization bill, followed and was a part of the scheme which was then presented to the American people.

A year ago we had two bills. The first was the Court-packing bill, which was designed to give the President control of the courts. The second was the reorganization bill, which was designed to give the President all the power Congress possessed. If either bill were successful, the result would be comparably attained. If either were measurably successful, that which was desired would be brought about.

The Court bill was not successful. Its purpose has been and will be accomplished in a measure because time and nature have done their work. So the President has attained in part his object in that regard.

The reorganization bill has not yet been successful. Yet men stand upon this floor—just as good men as any of the rest of us, no doubt, with the same patriotic impulses, the same desire to protect and preserve liberty in this land—and plead for the passage of the reorganization bill, which gives to the President plenary powers in the entire domain of Congress.

I deny that we should pass the bill. I am for recommitment, and I am against the bill. I deny that we should yield the powers which are ours, or that we should give any modicum of those powers to the President of the United States. I say "the President of the United States"; it does not make any difference who he is. I say "the President of the United States," because, no matter how powerful any individual may be, or what may be his standing within this Nation, what his politics, or what his personality, no man should have the powers which the President asks, and no man should ask the powers that he seeks. The powers which are proposed to be given by the bill, although shorn in some degree, are yet the greatest legislative powers which exist in the Congress of the United States. An effort has been made to minimize those powers, and to say that they amount to nothing. The distinguished Senator from South Carolina [Mr. BYRNES] will argue that they are of no value, and that they are not of the character that we need fear. He has before him the Morgan incident within the past week. With meticulous care, the author of the T. V. A. Act endeavored to permit no one on that Board to be removed except by congressional will.

It was written into the law; it was supposed to be airtight; but when the time came, and the President sought the removal of Dr. Morgan, he went to a complaisant Attorney General, received his opinion, and thereupon removed the chairman of the Board. I would not have minded if he had sent word to Congress after expressing his opinion that the man was contumacious or that he thought it was essential for the protection of the particular project that he should be removed; but when the law provided in so many words that Dr. Morgan could be removed only by the concurrent resolution of the House and the Senate, the President of the United States who signed the bill, was estopped from acting in that case as definitely and definitively as he did.

So, Mr. President, if any man here is so naive, if any man on this floor is so silly as to believe that the exemption of any agency of government in this bill will protect that agency or the individuals who constitute it, let him think of the

Morgan case and of what happened to the doctor who was the head of that organization. All the President will need to do in order to bring any one of the governmental commissions within his purview will be to send for his Attorney General, who will distort a word here or twist a phrase there, and then write an opinion that will enable the President to accomplish the result he desires. So in this bill its proponents are doing something that they know ought not to be done; they are accomplishing something that they know ought not, under any circumstances, to be accomplished; and in this day and under these circumstances, in this dark hour in the world, it ought not to be done by the Congress of the United States.

If any man in this body chooses to yield up the power that is his for the protection of the people generally, it is all well enough if he will avow it, but let no man avow when he forgoes that part of his duty and obligation, let no man insist that he does it in the public weal and for the public good. Look abroad. All we need to do is to realize what is happening in those countries that are now under dictatorships. I do not care whether you say that what we are doing today is tending toward a totalitarian Government, an authoritarian Government, a one-man Government, or a dictatorship; it all amounts to the same thing, for the bill shifts into the hands of a single individual, a single man of executive character—the power of the Congress of the United States, of the people of the United States, and lets him do in such way with it as he shall see fit.

It was just a little bit of a rift in the particular constitution of Weimar, which Germany imagined gave to her constitutional government, that enabled Hitler to come into power. The Chancellor saw in a moment of stress—financial stress it was—an opportunity to govern by decree, and Hindenberg, governing thus by decree at that time, did the job. Then came Hitler upon a great popular wave, so that he said a mandate was his to carry out all that the German people desired. Hitler then seizing upon that one feature of the constitution, which was legalistic only in character, seized upon the government, and commenced to govern by decree. The result we know. I have no more time to dwell upon it. But I should like to impress upon the Senate one thing: I have little time in this body to spend; I have little time perhaps to spend at all; but I would not want one of the acts that may be mine today to be an act by which I confer arbitrary power upon the President of the United States, no matter who he is or who he may be. I should like to preserve this country as we received it, to preserve it for the future, for those who shall follow us, as we ought to do, and as is our obligation and duty to do. I should like to leave this scene feeling that the Lord hath spoken, that—

He has sounded forth a trumpet that shall never call retreat;
He is sitting out the hearts of men before His judgment seat:
Oh, be swift, my soul, to answer Him! be jubilant, my feet!
Our God is marching on.

Mr. BRYNES. Mr. President, I yield 10 minutes to the Senator from West Virginia [Mr. NEELY].

Mr. NEELY. Mr. President, the oldest inhabitant can scarcely remember when the debate on the reorganization bill began. And what an extraordinary debate it has been. The honorable, able, and voluble Senators who have delivered so many philippics against this important measure have compassed sea and land to make one proselyte. They have discussed practically everything in the animal, vegetable, and mineral kingdoms. From the unfortunate, persecuted Jews in Europe—for whom every decent human being feels the keenest sympathy—from German nazi-ism and Italian fascism to American water-power projects, the sex life of the Alaskan salmon, and the prosaic existence of an unoffending Tennessee jackass, which has aroused the jealousy and incurred the animosity of the Senator from New Hampshire [Mr. BRIDGES]—nothing has escaped the bitter omnivorous senatorial discussion of the last 30 days.

There is no degree of forensic longitude that it has not reached. There is no parallel of political latitude that it has not touched. All the depths and shoals of truth and error, wisdom and folly, sense and nonsense, have been sounded.

But the majority of those who have cried out against the reorganization bill as Jonah cried out against Nineveh have unintentionally doomed their efforts to utter futility and their hopes of victory to melancholy disappointment. Because in their attacks on the bill and those who support it they have spoken without charity, and consequently they have become as sounding brass or tinkling cymbals.

It is readily and cheerfully conceded that some able Members of the Senate and a few worthy spokesmen for certain branches of labor are honestly opposed to the pending measure. But, in my opinion, the greater part of the hostility that has been manifested to the reorganization plan is born of political hatred, partisan jealousy, or groundless fear.

Only by perverting the plain language of the bill, or by attributing to the President motives that would dishonor Ananias or degrade Benedict Arnold, can anyone demonstrate that the enactment of this important measure would injure a single human being, or imperil the rights, the privileges, or the possessions of a single legitimate agency or organization.

For corroboration of this sweeping assertion, we appeal to the bill itself. Its purposes, which are stated in language that the wayfaring man ought to be able to understand, are but five in number. They are as follows:

- (a) To reduce expenditures to the fullest extent consistent with the efficient operation of the Government;
- (b) To increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;
- (c) To group, coordinate, consolidate, reorganize, and segregate agencies and functions of the Government, or any part thereof, as nearly as may be, according to major purposes;
- (d) To reduce the number of such agencies by regrouping or consolidating those having similar functions under a single head, and by abolishing such agencies or such functions, or any part thereof, as may not be necessary for the efficient conduct of the Government; and
- (e) To eliminate overlapping and duplication of effort.

The rest of the bill consists of detailed instructions for the accomplishment of the foregoing objectives. After it becomes a law it will decrease expenses; it will increase efficiency by eliminating conflicting authorities over various governmental activities; it will place responsibility for the execution of Federal laws upon the Chief Executive in accordance with the requirements of terminology and the dictates of common sense; it will extend civil-service protection to approximately 200,000 Federal employees whose continuance in the Government's service depends upon the turn of the wheel of political fortune. It will greatly diminish 130 governmental agencies, many of which are useless and half of which no man could ever find without the aid of a search warrant, a sheriff's posse, and bloodhounds.

Who is here so base that he would not reduce governmental expenses, or increase governmental efficiency, or coordinate governmental agencies and functions according to major purposes, or eliminate duplication of effort in the public service? Undoubtedly there is none, and consequently none have been offended. Certainly all rational men and women must desire these beneficent consummations.

But, agreeably with the world-old practice of antireformers, the foes of the bill argue that wrong means have been chosen to obtain the desired results.

Objections have been voiced to the effect that the Congress is about to transform the President into a heartless dictator, who will defy the law and trample upon the liberties of the people. Let no one be deceived by this specious argumentation. The President is striving to save the country—not to scourge it or destroy it. And in his praiseworthy undertaking the Members of the Senate will have a golden opportunity to hold up his hands this afternoon.

Let us not forget that there has never been a reformer or a reformation without opposition. The Savior—the greatest reformer of all time—was crucified. Lincoln, the Emancipator, was assassinated. The political reformation that gave us our independence was opposed by all the parliamentary and military resources of the British Empire and by all the Tory power of the New World. But for the opposition to American independence we would not have the immortal words of Patrick Henry:

Give me liberty or give me death.

We would not have the imperishable words of Nathan Hale:
I only regret that I have but one life to lose for my country.

The reformation known as the abolition of slavery was not only opposed by speech and press but by 4 years of the bloodiest war in history.

There was bitter opposition to the income-tax amendment; to the amendment that enabled the people to elect their United States Senators at the polls; to the amendment that enfranchised American women. But in spite of all the opposition of sword and tongue and propaganda and pen against measures designed to promote the general welfare, reformations have marched and countermarched all over the world for thousands of years. And in spite of all the opposition that selfish motives, political ambitions, and unfounded fears have diligently and effectively organized against the Byrnes reorganization bill, another great governmental reform is rhythmically and irresistibly marching to victory in the Senate this afternoon.

Every enemy of the administration and every foe of its political philosophy will vote for the recommitment of the bill and later against its passage. On the other hand, all the administration's faithful friends and all its loyal supporters will vote against recommitment and for the bill, and in so doing they will experience no apprehension and entertain no fear that the placing of the Byrnes reorganization plan upon the statute book will cause the heavens to fall, civilization to perish, or democracy to die.

Mr. WALSH. Mr. President, I think it was arranged that the Senator from Massachusetts, as the mover of the motion, should close the debate. The time, until quarter of three, may be taken by the proponents of the bill.

Mr. BYRNES. Mr. President, I yield 15 minutes to the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. President, I appreciate the importance of the vote which is soon to be cast in this body. I rise, not because I feel that I have sufficient influence in this Chamber to change the vote of any Senator on the motion to recommit but because I think I owe a duty, as a member of the committee which has framed and presented and sponsored this proposed legislation to express my views with respect to the importance and the meaning of the vote which is about to be cast.

We have heard telegrams read, which have been sent to us, I think, as the result of misinformation, in which the statement is made that the committee held no hearings to speak of on the bill, and that when hearings were held no one was present except the chairman of the committee, the Senator from South Carolina [Mr. BYRNES]. If ever a committee appointed by the Senate of the United States labored diligently and industriously and faithfully in the consideration of a complicated question, it has been the Select Committee on Government Organization. Long before we held public hearings we held executive sessions. We received the testimony and the explanation of the President's committee, which had investigated the subject for months and had submitted to the President its report, which was transmitted to the Congress. The late Senator from Arkansas, Mr. Robinson—my great predecessor in the seat which I occupy here by the favor of this membership—was the chairman of that committee. When I say "the great Senator from Arkansas," I mean great in all that the term implies—great of mind, great of heart, and great in service to his country. If there ever was in the United States Senate a man who laid down his life in the service of his country, it was Senator Joe Robinson. I feel very deeply the sentiments which actuate me at this moment. I am not willing to repudiate the work of Senator Robinson or repudiate his memory today in the vote I shall cast on the motion to recommit.

It is not true that we did not hold hearings in the consideration of the bill. When the late Senator from Arkansas passed on to his reward, the Senator from South Carolina [Mr. BYRNES] took up the battle, and in his hands the torch has been borne from that time until now. No man who ever served in this body has labored more earnestly or more diligently or more faithfully or more intelligently than

has the Senator from South Carolina. It has been a pleasure and an honor and a joy for me to serve in the capacity of his subordinate on the committee in order that we might bring this bill forward for the consideration of the Senate. No man was denied an opportunity to be heard upon the measure. The newspapers were full of the fact that hearings were going on, and articles were published day by day with respect to the testimony; and in view of that fact, in view of the fact that everybody had an opportunity to be heard, it seems peculiarly strange and I may say unfair now, at the last moment, by organized propaganda, by punching a button or ringing a bell in Washington, that we are to be deluged with telegrams and letters from men, some of whom have never read the bill, and who do not know what is in it.

The other day I received a letter from a luncheon club in my State, signed by the secretary of the organization, protesting against the passage of the pending bill because, it was said, the bill established a dictatorship in the United States, because Congress was surrendering to the Chief Executive of the Nation its power of legislation on this subject, which it has never exercised in 40 years. It was the sort of a letter I should have expected from a man who had received his instructions from Mr. Frank Gannett, because it was a "canned" letter, written in the same phraseology that has been used in most of the letters I have received. I wrote the secretary of the organization and asked him if the bill had been considered before he wrote to me asking me to oppose it. I asked him if he himself had read the bill. I asked him if the bill had been discussed in the open meetings of the luncheon club. I asked him to give me the name of every member of the club, so that I might write to them and ask them if they had read the bill or understood what was in it. I have not yet received any reply from him, and I shall not receive one.

Mr. President, I do not and I would not impugn the motives of any of my colleagues who will vote for the motion to recommit; but we might as well understand what the vote means. I have never been willing to deceive the Senate, and I am going to be as frank today as I know how to be.

For about 15 months this committee, chosen by the Senate, has been considering the proposed legislation. So far as I am concerned, if Congress had the time or the disposition to reorganize the departments of our Government, I would be as willing as any man in this body to undertake it; but no Senator who will vote to recommit the bill or vote against the bill on its final passage has ever introduced a measure for the reorganization of the Government departments in Washington.

It is futile for us to say that we are not willing to surrender the power we possess under the Constitution while we sit here idly and never attempt to exercise the power to reorganize the Government departments. I say, and I believe, and it is practically admitted here, that because of the complications involved and the necessary concentration in survey and study by someone charged with that responsibility Congress cannot, in the very nature of things, reorganize the departments of the United States Government. Yet, notwithstanding the fact that time after time Presidents of the United States, without regard to politics, have asked Congress either to reorganize or to confer upon the President the power to reorganize, and notwithstanding the fact that such authority has been conferred two or three times upon Presidents of both political parties, we are told now that if we confer this authority upon Franklin D. Roosevelt we will establish a dictatorship and usher a new Hitler into the institutions of the United States.

My very able and dear friend, the Senator from Maryland [Mr. TYDINGS], this morning referred to the fact that some doctor in Vienna had committed suicide and killed his child because Hitler had marched into Austria and added Austria to the German Reich. I suppose by analogy we are to assume that if the President of the United States should take the Bureau of Public Health out of the Treasury and put it into the new Department of Public Welfare all the physicians

in America would commit suicide and kill their children before the setting of the sun. There is no comparison between taking a little basket of employees out of one department and setting them over in another, and Hitler's march into Austria and taking over 6,000,000 people and adding them to the German Government.

We hear the cry "Dictator!" I am not uneasy about a dictatorship in the United States. The things which have given rise to dictatorships in Europe have been the inadequacy or the unwillingness of governments which existed to recognize or to respond to the needs or the wishes or the appeals of the people over whom they presided. I am not uneasy about a dictatorship in America so long as we make our Government solicitous of the welfare of the people, so long as we recognize the people's difficulties and undertake to guide them in the solution of their problems in the times through which we are passing.

I would not say that a vote to recommit the bill is intended to be a vote to kill reorganization legislation, but I desire frankly and solemnly to warn the Senate, as a member of the Select Committee on Government Organization, that if the bill shall be recommitment, it will be the death of reorganization not only at this session but for a long time to come.

I feel that I ought to be equally frank with the Senate and say that after 15 months of labor—earnest labor, hard labor, conscientious labor—on the part of this committee to bring forward a bill which would authorize someone who is capable of doing it to reorganize the Government of the United States, if this bill shall be recommitment to the Select Committee on Government Organization I myself will tender my resignation to the Vice President as a member of the committee as soon as the roll call is concluded and the result announced.

I do not say that in order to influence anyone's vote, but I say it in order to be frank with the Senate. I am not willing to delude myself any longer by undertaking to participate in a farce and spend my time in a futile effort to bring about legislation which might be approved by the Senate of the United States. If this bill is not approved, I have no hope that any bill we might write would be approved.

If the bill shall be recommitment, it will be the end of reorganization, and it will mean not only that after 15 months of labor on the part of this committee our efforts are to be repudiated but it will mean, and will be so interpreted by the American people, a repudiation of any reorganization of our Government, no matter how much economy or efficiency it may bring about.

Mr. President, I do not know how much saving there would be. No one knows. No one can predict how much saving there would be as a result of whatever reorganization the President of the United States might bring about. Efforts have been made to discourage reorganization because the Senator from South Carolina has been honest enough to say he cannot estimate the amount of savings, and because no member of the committee has been willing to guess how much may be saved. Efforts have been made to frighten some of our friends by arousing the apprehension that this bureau or that agency may be transferred from one department to another or, if it is an independent agency, may be transferred or allocated to some department.

Mr. President, I was the joint author with the late Senator from Nebraska, Mr. Howell, of what was known as the Howell-Barkley bill, setting up a Board of Mediation for the railroad labor organizations of the United States, and if I have been able to accomplish anything in legislation the creation of that Board of Mediation is the one thing I am proudest of having done. I have no fear that the President of the United States is going to do a silly or foolish thing. I have no fear that he is less concerned about the efficient conduct of our business than am I or than is any other Senator, but I say advisedly that if the President of the United States were to issue an order removing the Board of Mediation or the Veterans' Administration into any department I myself would feel at liberty to vote for a bill or joint resolution to take it away from the department

to which it might be allocated and let it remain independent as at present.

Therefore, Mr. President, I do not share any fear which may have been created that the President of the United States is going to forget all the precepts of wisdom and wise administration in order to do an undesirable thing with respect to some agency which is efficiently operating in the interest of those for whom it was set up.

For the reasons I have stated I sincerely hope that the motion of the Senator from Massachusetts to recommit the bill will be defeated, however pure his motives are—and I admit publicly, and am glad to acknowledge, the purity of his motives. It would result in the death of reorganization for an indefinite time. I sincerely hope the motion will be defeated and that the bill will be promptly passed in order that the American people may see that, after all, Congress is not willing to stand upon pride alone but is willing to be practical and bring about a more efficient and, if possible, a more economical administration of every agency in every department of their Government, for, after all, it is theirs and not ours; and it is in their interest that we undertake to serve, and not in the interest of ourselves.

Mr. BYRNES. Mr. President, I yield 5 minutes to the senior Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. President, I have no fault to find with any Senator who differs from me on this question. I shall vote against the motion to recommit the reorganization bill.

As a member of the Select Committee on Government Organization, I regret that I have not been able to render some assistance to the distinguished and able Senator from South Carolina during the consideration of the bill. He has made a courageous and an able fight and has proven his splendid qualities of leadership. Continued conferences and hearings on the pending revenue bill have made it impossible for me to be present during all of the discussions. I rise now only because in 1921, when President Harding was President, he sent a message to the Congress making a clear-cut issue on the question of reorganization. He presented the necessity of a reorganization of the departments as one of the great and major issues.

A joint committee on reorganization was appointed, consisting of six Members of Congress, three from the House of Representatives and three from the Senate. I was the Democratic Member of the Senate on that committee. Senator Smoot and Senator WADSWORTH were the Republican Members of the Senate on that committee.

We went into an investigation of the departments in an earnest and sincere attempt to reorganize the Government. For 2 years we labored at that job, and when we would be about ready to transfer a bureau from one department to another, we would find that the Cabinet member at the head of the department affected would put all the forces of propaganda to work, and bring influence upon Members of Congress against our proposals. Of course, our efforts in the circumstances were unsuccessful, and after 2 years of work we had accomplished nothing. I say to the Senate today that in my humble opinion Congress will never be able through any committee to reorganize the departments of the Government. The task must be placed in the hands of some one official. The President is the proper one.

With the very limited powers that are given to the President in this bill, I cannot believe that he will abuse those powers. I have enough faith and confidence in him to believe that he will not.

I hope we can accomplish something by this measure. Although no assertions have been made either by the Senator in charge of the bill or by the President that any great savings will be effected, I hope there will be great savings resulting from it. I hope more efficiency will come as a result. So I shall vote against the motion to recommit, and vote for the passage of the measure.

Mr. BYRNES. Mr. President, for 20 years I have been interested in the subject of reorganizing the executive departments. Today in the few minutes left for debate I do

not intend to rehearse the history of this legislation. However, I do want to recall to the Senate that in June 1932 the Senate Appropriations Committee did report to the Senate a bill giving to a Republican President the same reorganization powers given in the present bill, with the single exception that it provided that an Executive order should be forwarded to the Congress, and that either House had the right to disapprove. When President Hoover acted under that law and filed an order with the Congress, it was promptly disapproved.

On February 7, 1933, I offered an amendment to the Treasury and Post Office Departments appropriation bill which had in it the identical language contained in this bill when it was reported to the Senate, with the exception that it did not exempt any of the independent agencies. No Member of the Senate then voiced an objection to that amendment. Upon the floor are many Members who were present when it was adopted. Therefore, to me it is amazing that within the last 2 or 3 weeks some of those who are interested in the defeat of this measure have caused the people of this Nation to believe that their religious freedom and their political freedom will all be taken away from them if a bill is adopted authorizing the reorganization of executive departments.

The junior Senator from Idaho [Mr. POPE] a moment ago handed to me two telegrams addressed to him from Idaho. I read one:

Reorganization protest telegrams inspired by Republican group designed to embarrass you. There is no general public opinion on this question. Rank and file of voters will stand with you in your support of administration.

I read the other:

Disregard telegrams from Republican propagandists backed by Statesman (newspaper) and vote according to your judgment. Personally I favor reorganization bill. Republicans ask balancing of Budget but object to economy by curtailing the useless departments.

Mr. President, those telegrams give me some comfort. They cause me to believe that after all the American people will not be deceived into thinking that the safety of this Nation or the preservation of the Constitution depends upon whether an employee in Washington works in a building on Pennsylvania Avenue or in a building on Constitution Avenue.

Having just mentioned the word "constitution," I reply for a moment to the Senator from Idaho [Mr. BORAH]. He for the first time today expressed the opinion that this bill might be unconstitutional in its delegation of power, because of the Schechter case. I know that the Senator is not familiar with the fact that since the Schechter decision, in a decision in *Isbrandtsen-Moller Co. against United States*, a circuit court of appeals case, the court construed the identical language contained in this bill, the language of the act of February 1933, under which act the Shipping Board was transferred to the Department of Commerce, and, construing that language, the Court said:

The result was to abolish a board whose existence was dependent upon the will of Congress and to delegate to the Department of Commerce the same powers and duties the board had possessed. This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by Congress.

In support of that decision the Court quoted not only the *Panama Refining Co. case*, but the *Schechter Poultry Corporation case* relied upon by the Senator from Idaho [Mr. BORAH].

In a personal way let me say one word to the Senate: When the late Senator Robinson was made chairman of the Select Committee on Government Organization he requested me to serve with him because of my experience in the framing of previous bills of this character. We spent weeks together in drafting this bill. Senator Robinson suggested that we use the language of the act of 1933, because that language had been adopted by the Congress and had been sustained by the courts. It seems remarkable to me that the same language today causes such propaganda throughout this country.

Let me say a few words as to the equitable and thorough way the committee has considered the bill. In January of

this year we met, and after consideration we adopted 13 amendments, and reported the bill with those 13 amendments. The bill has been considered upon the floor of the Senate for 4 long weeks. I do not recall any measure of this character that has ever received such careful consideration. During that consideration 35 amendments have been added upon the floor; either accepted by the committee or adopted by the Senate. Therefore, if ever a measure received careful consideration of a large number of Senators, the record shows that this one has. A thousand pages of testimony were taken day after day. There was consideration of the measure for many more days by a committee composed of the majority leader [Mr. BARKLEY], the minority leader [Mr. McNARY], the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. TOWNSEND], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Hampshire [Mr. BROWN], and the Senator from Wisconsin [Mr. LA FOLLETTE]. If after all this consideration the Senate should now see fit to recommit the bill to the Select Committee on Government Organization, I must confess that I do not know what the committee could do or would do.

The Senator from Idaho [Mr. BORAH] says that a vote to recommit is not a vote to kill this bill. No; not directly; but there is not a Senator on the floor of the Senate who does not know what would happen if the bill is recommitted to the committee. I will tell the Senate one thing that will happen. The employees of the Government throughout this country have never been informed about this bill. More than 200,000 employees under the bill will be covered into the civil service and given the security and protection of the civil-service laws. All the field employees, who today do not come under the classification law as to salaries, will under this bill receive salaries upon the same basis as the employees in the city of Washington.

Send the bill back to the committee, kill the bill, and those employees in time will find it out, and they will wonder why they were misled into believing that this bill was against their interests, when for the first time it provides that justice be done to them.

The bill provides further that if an employee is dissatisfied with his rating in the department he can appeal to a board of review, one member of the board to be appointed by the civil-service organization and two by the department, to pass upon the fairness of the rating of the official under whom the employee works. That benefit also will be lost to the Federal employees.

I say frankly to the Senate that for the last year I have given practically all my time to the consideration of the bill. I have listened to arguments presented by those who were opposed to the bill as well as those who favored it. I have agreed to the adoption of these 30 amendments heretofore referred to. I know that I could do nothing more, and if the Senate sees fit to recommit the bill to the committee I have the same attitude as the Senator from Kentucky—I shall this afternoon resign from the committee, and ask the Vice President to appoint someone who can frame a bill to suit the Senate. I know it is beyond me, because I have given to it all that is in me. There is nothing more I can do.

So far as I am concerned, I would suggest to the Vice President that he appoint the Senator from Oregon, my good friend Senator McNARY, and let him have a chance to frame the bill. I know that when it comes to dividing a party he has no superior and no equal in the United States or in the world, and he may be able to divide this bill so that it can receive the support of the Senate. [Laughter.]

Mr. President, I congratulate the Senator. I do not criticize him. I know that in leading his small band he is able to solidify its membership and sit and smile as we on the other side of the Chamber divide among ourselves, but I have an abiding confidence that this time the Senator from Oregon is mistaken; that the bill is not going to be recommitted, but will be passed this afternoon and will be sent to conference. The House bill in many respects is entirely different

from the Senate bill. It is more in accord with the views of some Members of the Senate.

Mr. WALSH. Mr. President—

Mr. BARKLEY. Mr. President, will the Senator from Massachusetts yield?

Mr. WALSH. I yield to the Senator from Kentucky.

Mr. BARKLEY. I desire to present an amendment which, I understand, will not involve any discussion or opposition, so that it may later be voted upon.

Mr. BYRNES. I also have an amendment pending.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

Mr. MALONEY. Mr. President, I wish to offer an amendment.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

Mr. WALSH. Mr. President, I yield to the Senator from Nevada for the purpose of making a brief statement.

Mr. PITTMAN. Mr. President, I offered an amendment to the bill exempting the Forest Service, and all its functions, from the operation of the bill. The amendment was offered by me at the request of every farm organization in my State and every farm organization in the United States. The amendment was defeated.

The Senator from Georgia [Mr. GEORGE] and I considered offering another amendment, of a milder character, so that the functions of the Agricultural Department so essential to the welfare of agriculture should not be transferred from the Department of Agriculture. I have made a sufficient poll of the Senate to know that although such an amendment is favored by the great majority of this body, it would not receive a majority vote. Its defeat probably would be misunderstood.

Nearly every citizen of my State desires a reconsideration of the bill and of the various amendments which have been offered. The people desire to be heard before the committee. Therefore, I shall vote to recommit the bill.

Mr. WALSH. Mr. President, I hope those of us who favor the recommitment of the bill are generous enough to attribute the highest motives, political and otherwise, to those who will not take and are not accepting our views on this question. I think we are generous enough also to compliment the members of the committee, who have served long and faithfully in the preparation of the bill. They should be especially complimented because the bill before the Senate is a decided improvement upon the original bill presented to the committee. It is the hope of those of us who favor recommitment, now that the bill has had a hearing before the Senate and before the entire country, and Senators have had an opportunity to express their views, and the people of the country have had an opportunity also to express their views, that the committee may find in the debate some helpful suggestions toward the improvement of this important measure.

Before I proceed further, I desire to pay a special tribute to the industry, the courage, and the perseverance of the junior Senator from Virginia [Mr. BYRD]. Representing a philosophy entertained by nearly half the Members of this body, he has battled day in and day out for preserving constitutional rights in the bill and for making it a bill that would result in promoting economy.

I do not seek to find, in my brothers and my colleagues of my own party, false, jealous, and selfish motives. I have been in public life long enough to know that environment is a tremendous factor, even more than party labels, in influencing official judgment. I believe, also, that it is not only a Senator's duty to differ with his party on fundamental questions, if prompted by honest motives and convictions, but as well to offer and fight for constructive criticisms that may prevent his party from taking action that may seem to be contrary to the public welfare and injurious alike to country and party.

I can well understand the position of the able Senators from Virginia. The instinct to be strong and able defenders of the Constitution is bred in their very bones. It is the same spirit that we observe in my own State of Massachu-

setts. I can understand the Senators from the South battling against the wage and hour bill. They have had bred in their souls the principle of States' rights. I can understand how we who come from great industrial centers raise our voices, even against our party leaders, when the suggestion is made for special benefits to farmers which may result in increasing the cost of living.

I refuse to think in terms of selfish personal motives or of political partisanship in the discussion of a great question which goes to the very foundation of constitutional government.

Mr. President, the debate on this measure has developed the unmistakable fact that it is one of the most important and far-reaching proposals that has been sent to the Congress in many years.

First of all it authorizes the President to transfer, retransfer, regroup, coordinate, consolidate, reorganize, segregate, or abolish the whole or any part of any agency, or the functions thereof, which he thinks may be necessary for the efficient conduct of the Government, with the exception of certain independent establishments mentioned in the bill and other designated limitations. It is estimated that this places under the control of the President, for the purposes designated, more than 100 agencies of the Government.

He cannot transfer to any other agency all of the functions of any executive department; the implication, however, is clear that he may transfer to any agency the functions of any executive department less than all. Generally speaking, he may transfer the functions of every commission, board, bureau, administration, authority, division, or activity in the executive branch of the Government, except the nine governmental establishments defined as independent establishments.

The President is authorized to establish a civil-service administrator, instead of the present Civil Service Commission, for a term of 15 years. The President is further authorized discretion to extend the classified civil service and the provisions of the Classification Act to any or all Government employees who are not now subject to the Civil Service Act, or the Classification Act.

The bill abolishes the office of the Comptroller General and the General Accounting Office, replacing it with an Auditor General and an Auditing Office, the latter to report to a special joint congressional committee the result of its audit.

The bill sets up a new Department of Welfare and creates a National Resources Planning Board. The Department of Welfare, under the contemplation of this act, may become the largest and most important and, likewise, the most expensive agency of the Federal Government; yet it is defined and explained in only two pages of this bill. How far-reaching the functions of this new Cabinet office shall extend no one can prophesy at this time.

The new department will administer the laws relating to any agency or function transferred to it which relates to public health and sanitation, protection of consumers, education, relief of unemployment and of the hardship and suffering caused thereby, relief of the needy and distressed, assistance of the aged, relief and vocational rehabilitation of the physically disabled.

While the bill would seem to embrace only the above enumerated functions, yet those who have from time to time vigorously protested against the centralization of Federal control over education should bear in mind that this is to be one of the important functions of this new Cabinet officer, and all experience indicates that he will seek to expand and enlarge the Federal Government's control over education. We have before Congress at this very moment recommendations transmitted to us with the approval of the President which if they are enacted into law contemplate a tremendous expansion by the Federal Government into the realm of public-school education throughout the Nation. One thing is certain: We can look forward to increased momentum in support of the campaign that for years has been waged by organized groups seeking Federal control of education that the States have heretofore resisted.

Mr. President, I have referred to the importance and momentous character of the powers delegated to the Executive in this bill. All these powers are rightly reposed in the Congress under the Constitution. They are powers which it is the duty of Congress to exercise. They are powers which the Congress has exercised since the founding of our Republic. Not one of these agencies, bureaus, or departments came into existence except by an act of Congress. Congress has specified the functions of every one of these departments.

Let me remind the Senate that not one of these agencies, bureaus, or departments and their defined duties—except a few recent and temporary agencies—has come into existence except after hearings before committees of the House and Senate; and by a majority vote of both the House and Senate and the approval of the Executive at the time of their creation.

What a spectacle to the country for this Congress now to confess that it is unable to effectively perform the duties that have been heretofore performed by our predecessors and which is the duty and responsibility of the Congress under the Constitution.

What is the reason for this extraordinary proposal? What is the emergency that demands this surrender of our constitutional powers? This is not a time of war that requires sudden and speedy reconstruction of the executive departments. There is indeed a new business depression, but no one claims that the proposed reorganization is for the purpose of meeting this new economic emergency.

It is said that the President can do this job more effectively and more speedily than Congress. I concede that to be entirely within the realm of possibility and even probability. Indeed, I believe President Roosevelt would act with the highest motives. However, I submit that such contentions are no justification for such a course, except in a dire emergency, and even then can be defended only on the assumption that Congress is incompetent to perform its constitutional duty.

The advocates of this transfer of constitutional powers and authority by Congress to the Executive seem blind to the fact that such a course parallels events that have been taking place elsewhere in the world and have contributed to the overthrow of democracies in other countries. It is precisely the same arguments which are advanced here today that have been advanced in other countries to overthrow democracy. It is always urged that social and economic abuses have grown up in the body politic and that the ordinary processes of constitutional government are unable to adequately cope with them. Hasty and remedial action has been the battle cry by the forces that have been attacking parliamentary government and moving in the direction of a totalitarian state.

The framers of our Constitution had full realization that abuses in the social and economic order would from time to time arise; they foresaw that our people at times would become restless, impulsive, and demand hasty reforms. It was because of their foresight that they interposed the checks and balances in our form of government to guard against sudden and rash movements away from democratic ideas.

Many times during the past century there has been extreme dissatisfaction with political policies of Presidents and parties, yet at no time have our people sought to remedy through weakening the power and authority of any one of the three branches of the Government so wisely set up by the founders. Our people for 150 years have been taught to patiently wait the operation of normal correctives. It is this attitude of invoking the operation of normal correctives through the years that has contributed to the preservation of our institutions and contributed materially to our political stability and our social and economic progress. Every other method than the normal corrective method provided by our Constitution when applied in other parts of the world have resulted in the overthrow of democracy, and whatever social and economic benefits have resulted tem-

porarily they have been accompanied by ruthless disregard of the people's rights.

We must admit the harmful effect of abuses in our social and economic system. We must all recognize the need for correction. But the bill now before us is not even remotely claimed to be for this purpose.

Mr. President, before we vote today let each Member of the Senate reflect once more on the full import and significance of this transfer from Congress to the Executive of this power of life and death over all the agencies, over all the bureaus, over all the departments, and all the commissions except for the nine that are specifically excluded by the terms of the bill.

It means that for a period of 24 months from the date of enactment of this bill—if it be enacted—the continued existence of any and all of these agencies, bureaus, and commissions will be solely at the sufferance of the Executive; that the tenure of office of each appointive executive officer, commissioner, administrator, director, or bureau chief outside of the specific reservations in the bill, will be within the control of the Executive; that the hundreds of thousands of Government employees within these departmental bureaus and agencies and commissions are placed in jeopardy because the particular bureaus, agencies, or commissions in which they are now employed may be abolished by the stroke of the Executive's pen.

The authority to be delegated to the Executive to reorganize at any time and from time to time during a period of 24 months, the structure of the executive branch of the Government carries with it the authority to change the personnel of the executive branch of the Government from top to bottom.

Our forefathers never believed in concentrating the powers of government in the hands of a single man. Every one of the constitutions of the Original Thirteen States revealed the strong and indeed bitter opposition to autocracy. The colonists had had their experience with kings and royal governors and were determined that the American Government which they set up should afford no opportunity for a return to one-man power.

They provided for divided authority and divided responsibility. This was a fundamental element of their concept of democracy, and they regarded division of authority as the surest safeguard to preserve democracy. It is this divided authority we are abandoning in this bill.

Every Member of the Senate is cognizant of the rising tide of public protest against the proposals in this bill, and particularly with respect to this broad grant of authority to the Executive. The protests have come from every section of our country and from every class of our citizens—from the farmers, organized labor, white-collar workers, colleges, pulpits, and the press.

Why are these protests, which are similar in character to those which were so strongly voiced by the country a year ago, when we had under consideration the bill to reorganize the Federal judiciary and the Supreme Court? They are because the country recognizes in the present bill, as it did last year in the court bill, a grievous impairment of the fundamental principles of division of the power and authority of government into three independent branches—the judicial, the legislative, and the executive—and the potential concentration of all power and authority in the Executive.

Let us heed these protests. Let us pause before it is too late. Let us realize that, from the moment of enactment of the present bill, what the Congress will have done cannot be undone. Congress will have tied its own hands. Nothing short of a two-thirds vote of both branches of Congress to override a Presidential veto can thereafter recall the delegation of this authority to the Executive, or cancel any governmental change that the Executive decrees.

THE VICE PRESIDENT. The hour of 3 o'clock has arrived, at which time the Senate ordered a vote to be taken on the pending question.

Mr. BARKLEY. Mr. President, in view of the fact that a committee is now in session, I think it would be advisable to call a quorum. I desire to propound the parliamentary inquiry whether that would interfere with the voting on the amendments which have already been sent to the desk?

The VICE PRESIDENT. It would not. The point of no quorum may be made at any time.

Mr. BARKLEY. I suggest the absence of a quorum.

Mr. BROWN of Michigan. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BROWN of Michigan. Will the bill be open to amendment after 3 o'clock?

The VICE PRESIDENT. It will not be.

Mr. BROWN of Michigan. I have an amendment pending on the desk relative to the duties of the Joint Committee on Public Accounts, which I should like to have submitted.

The VICE PRESIDENT. Let the Chair state that, under the order of the Senate, all amendments will have to be voted on before the motion to recommit, and the Chair will submit the amendments that have been sent to the desk.

The absence of a quorum having been suggested, the clerk will call the roll. Then the Chair will submit the amendments which are pending.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lewis	Reynolds
Berry	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Murray	Tydings
Capper	Herring	Neely	Vandenberg
Caraway	Hill	Norris	Wagner
Chavez	Hitchcock	Nye	Walsh
Clark	Holt		Wheeler

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present. The Chair submits the first amendment which is pending, being the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

The LEGISLATIVE CLERK. On page 25, line 10, in the amendment heretofore agreed to, after the word "proper", it is proposed to insert "nor shall anything in this act be construed to prevent the application of the existing veterans' preference provisions in civil-service laws, Executive orders, and rulings."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The Chair submits an amendment offered by the Senator from South Carolina [Mr. BYRNES]. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, between lines 18 and 19, it is proposed to insert the following new subsection:

(c) The Secretary of State is authorized and directed to include in the United States Statutes at Large all Executive orders issued under this title which have become effective.

The VICE PRESIDENT. Without objection—

Mr. JOHNSON of California. Just a moment, Mr. President. Will the Senator from South Carolina explain the amendment?

Mr. BYRNES. It is only to have—

The VICE PRESIDENT. The trouble about it is that, under the order, there can be no debate.

Mr. JOHNSON of California. I really forgot that, but may I inquire when was this amendment offered?

The VICE PRESIDENT. This is the first information the Chair has had of the amendment.

Mr. BYRNES. Mr. President, the amendment provides that such Executive orders as may be issued shall also, instead of merely being filed with the Congress, be printed with the statutes, so that they may always be found by anyone interested in them.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

The amendment was agreed to.

The VICE PRESIDENT. The Chair submits an amendment offered by the Senator from Connecticut [Mr. MALONEY], which will be stated.

The LEGISLATIVE CLERK. On page 3, line 18, after the word "department", it is proposed to insert the following: "or to transfer to any other agency or department any of the investigational services, divisions, or functions of any executive department."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was rejected.

The VICE PRESIDENT. The Chair submits an amendment offered by the Senator from Michigan [Mr. BROWN], which will be stated.

The LEGISLATIVE CLERK. On page 36, after line 6, it is proposed to insert a new subsection, as follows:

(f) It shall be the duty of said joint committee to examine and study the public debt and the statutes authorizing the borrowing of money by the United States Government, and to submit from time to time recommendations for the orderly reduction of the debt.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN].

The amendment was agreed to.

The VICE PRESIDENT. The Chair submits an amendment offered by the Senator from Utah [Mr. KING], which will be stated.

The LEGISLATIVE CLERK. On page 37, after line 6, it is proposed to strike out all of title IV, being the provisions with reference to the "Department of Welfare and Conservation and National Resources Planning Board."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING].

The amendment was rejected.

The VICE PRESIDENT. The question now is on the motion of the Senator from Massachusetts [Mr. WALSH] that the bill be recommitted to the Select Committee on Government Organization.

Mr. CLARK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LEWIS (when his name was called). I understand that an arrangement has been made by which I am paired with the Senator from Nevada [Mr. McCARRAN], who is on his way here and is expected to arrive a little later. Pending his arrival, I withhold the announcement of my vote.

Mr. WAGNER (when his name was called). Upon this vote I am paired with the senior Senator from Indiana [Mr. VAN NUYS]. I am informed that if he were present he would vote as I propose to vote; so I feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. LEWIS. As the Senator from Nevada [Mr. McCARRAN] has not arrived, at this point I announce the fact that I am paired with him. If he were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. HALE. On this vote my colleague the junior Senator from Maine [Mr. WHITE] is paired with the junior Senator from Florida [Mr. PEPPER]. If present and voting, my colleague would vote "yea," and the Senator from Florida would vote "nay."

Mr. LEWIS. I announce that the Senator from Florida [Mr. PEPPER] and the Senator from Indiana [Mr. VAN NUYS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The result was announced—yeas 43, nays 48, as follows:

YEAS—43

Adams	Byrd	Glass	Miller
Andrews	Capper	Hale	Nye
Austin	Clark	Holt	Pittman
Bailey	Connally	Johnson, Calif.	Shipstead
Bone	Copeland	Johnson, Colo.	Townsend
Borah	Davis	King	Tydings
Bridges	Donahay	Lodge	Vandenberg
Brown, Mich.	Frazier	Loneragan	Wagner
Bulkeley	George	Lundeen	Walsh
Bulow	Gerry	McNary	Wheeler
Burke	Gibson	Maloney	

NAYS—48

Ashurst	Gillette	Logan	Radcliffe
Bankhead	Green	McAdoo	Reames
Barkley	Guffey	McGill	Reynolds
Berry	Harrison	McKellar	Russell
Bilbo	Hatch	Milton	Schwartz
Brown, N. H.	Hayden	Minton	Schwellenbach
Byrnes	Herring	Murray	Sheppard
Caraway	Hill	Neely	Smathers
Chavez	Hitchcock	Norris	Smith
Dieterich	Hughes	O'Mahoney	Thomas, Okla.
Duffy	La Follette	Overton	Thomas, Utah
Ellender	Lee	Pope	Truman

NOT VOTING—5

Lewis	Pepper	Van Nuys	White
McCarran			

So Mr. WALSH's motion to recommit was rejected.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. BARKLEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRNES, Mr. CLARK, and other Senators addressed the Chair.

The VICE PRESIDENT. The question is on the passage of the bill. If Senators desire to speak, the Chair will recognize the Senator from South Carolina.

Mr. BYRNES. Mr. President, I ask unanimous consent that the Senate proceed to consider House bill 8202, Calendar No. 1616, strike out all after the enacting clause of the House bill, and substitute the text of the Senate bill.

Mr. CLARK. I object.

Mr. BURKE. I object.

Mr. BYRNES. Mr. President, I move that the Senate take up House bill 8202, strike out all after the enacting clause of the House bill, and substitute the text of the Senate bill.

Mr. CLARK. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. I make the point of order that the business before the Senate is the Senate bill which we have been considering for the past month, and that the House bill mentioned by the Senator from South Carolina has not been reported from the committee.

Mr. BYRNES. Mr. President, the Senator is wrong about that. The House bill is on the calendar.

Mr. CLARK. When was it reported?

Mr. BYRNES. It was reported last week.

The VICE PRESIDENT. Let the Chair state to the Senator from South Carolina that the chair held earlier in the day that no amendment to the pending bill would be in order after 3 o'clock and held a while ago, in response to a question by a Senator, that after 3 o'clock no amendment could be offered to the bill. The Chair has twice ruled on the matter.

Mr. BARKLEY. Mr. President, this is not an amendment. This is a motion to proceed to the consideration of a bill on the calendar. If that motion is agreed to it will displace the Senate bill which is now under consideration, and the Senate may proceed to consider the House bill.

Mr. CLARK. I make the point of order—

The VICE PRESIDENT. Let the Chair read the order of the Senate and see what the Senate thinks about the situation:

Ordered. That at not later than 3 o'clock p. m. on Monday (March 28, 1938) the Senate proceed to vote on all amendments that are pending or that may be offered to the bill (S. 3331)—

That is, up to 3 o'clock—

and on a motion to recommit, without further debate, and that at not later than 5 o'clock p. m. in the event the motion to

recommit is defeated, the Senate shall proceed to vote upon the bill (S. 3331) without further debate, and that the time for debate shall be divided equally, and controlled by the Senator from South Carolina [Mr. BYRNES] and the Senator from Massachusetts [Mr. WALSH].

That is a specific order of the Senate that it shall vote on a certain bill, Senate bill 3331, at a certain hour. If the House bill should be substituted for Senate bill 3331, the Senate could not possibly vote on Senate bill 3331.

The Chair holds that under that agreement no amendment is in order, and no substitute is in order. That seems to be the Chair sound logic and reason. The Senate made this order, and the Chair must enforce the order of the Senate.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. The yeas and nays have been ordered, have they not, on the passage of the bill?

The VICE PRESIDENT. They have been. The question is on the passage of the bill. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LEWIS (when his name was called). As previously stated, in my absence during the past few days, while I was ill, I was paired with the Senator from Nevada [Mr. McCARRAN]. I am authorized to state that were he present and voting he would vote "nay" on this question. Were I voting, I should vote "yea." I withhold my vote.

Mr. WAGNER (when his name was called). On this question, as on the other, I am paired with the senior Senator from Indiana [Mr. VAN NUYS]. I am informed that if he were present he would vote as I propose to vote. Therefore, I am at liberty to vote. I vote "nay."

Mr. HALE (when Mr. WHITE's name was called). Making the same announcement as before as to my colleague [Mr. WHITE], I will state that if present he would vote "nay" on this question. He is paired with the Senator from Florida [Mr. PEPPER], who, if present, would vote "yea."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Nevada [Mr. McCARRAN] is detained in Nevada on official business, and that the Senator from Florida [Mr. PEPPER] and the Senator from Indiana [Mr. VAN NUYS] are detained on public business.

The result was announced—yeas 49, nays 42, as follows:

YEAS—49

Ashurst	Gillette	McAdoo	Reynolds
Bankhead	Green	McGill	Russell
Barkley	Guffey	McKellar	Schwartz
Berry	Harrison	Milton	Schwellenbach
Bilbo	Hatch	Minton	Sheppard
Brown, N. H.	Hayden	Murray	Smathers
Bulkeley	Herring	Neely	Smith
Byrnes	Hill	Norris	Thomas, Okla.
Caraway	Hitchcock	O'Mahoney	Thomas, Utah
Chavez	Hughes	Overton	Truman
Dieterich	La Follette	Pope	
Duffy	Lee	Radcliffe	
Ellender	Logan	Reames	

NAYS—42

Adams	Capper	Hale	Nye
Andrews	Clark	Holt	Pittman
Austin	Connally	Johnson, Calif.	Shipstead
Bailey	Copeland	Johnson, Colo.	Townsend
Bone	Davis	King	Tydings
Borah	Donahay	Lodge	Vandenberg
Bridges	Frazier	Loneragan	Wagner
Brown, Mich.	George	Lundeen	Walsh
Bulow	Gerry	McNary	Wheeler
Burke	Gibson	Maloney	
Byrd	Glass	Miller	

NOT VOTING—5

Lewis	Pepper	Van Nuys	White
McCarran			

So the bill was passed.

Mr. BYRNES and Mr. CLARK addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. BYRNES. Mr. President, I move that the Senate proceed to the consideration of House bill 8202, to provide for the reorganization of agencies of the Government, to establish the Department of Welfare, and for other purposes.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The Chief Clerk called the roll, and the following Senators answered to their names.

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahay	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lewis	Reynolds
Berry	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Tydings
Capper	Herring	Murray	Vandenberg
Caraway	Hill	Neely	Wagner
Chavez	Hitchcock	Norris	Walsh
Clark	Holt	Nye	Wheeler

The PRESIDENT pro tempore. Ninety-two Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, I move that the Senate proceed to the consideration of House bill 8202.

Mr. CLARK. Mr. President, let the bill be reported.

The PRESIDENT pro tempore. The clerk will state the bill by title.

The bill was stated by title as follows:

The bill (H. R. 8202), an act to provide for the reorganization of agencies of the Government, to establish the Department of Welfare, and for other purposes.

Mr. CLARK. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. The motion is debatable, is it not?

The PRESIDENT pro tempore. The motion is debatable.

Mr. BURKE obtained the floor.

Mr. BILBO. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. BURKE. I yield.

Mr. BILBO. Mr. President, I ask unanimous consent that there be inserted in the Appendix of the RECORD a statement read by me before the House Committee on Indian Affairs in support of Senate bill 1478, conferring jurisdiction on the United States Court of Claims to determine the claims of the Choctaw Indians of the State of Mississippi.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

[The statement of Mr. BILBO appears in the Appendix.]

Mr. McKELLAR. Mr. President, will the Senator from Nebraska yield to me?

Mr. BURKE. I yield.

Mr. KING. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Does the Senator from Nebraska lose the floor when he courteously yields to other Senators who desire to make various requests?

The PRESIDENT pro tempore. He does if a point of order is made.

Mr. LA FOLLETTE. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDENT pro tempore. The Senator from Utah asks, as a parliamentary inquiry, whether the Senator from Nebraska loses the floor if he yields for the presentation of motions or bills. He loses the floor when he yields for that purpose, and he is now recognized again and may speak the second time on the same day, and if he yields again, he will not be allowed to speak further on the same subject if a point of order is made.

Mr. BURKE. Mr. President, then, I will continue with my second speech.

Mr. CONNALLY. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CONNALLY. The Senator from Nebraska has not spoken on the pending question today, has he?

The PRESIDENT pro tempore. The Chair was merely answering a parliamentary inquiry.

Mr. CONNALLY. The question now before the Senate is on a motion to proceed to the consideration of House bill 8202. Any remarks the Senator made on some other bill prior to this time cannot be charged against him on the pending motion.

The PRESIDENT pro tempore. The Chair did not make any statement to that effect.

Mr. BURKE. Mr. President, I yielded to the Senator from Mississippi, assuming that his request was made in good faith, and I still prefer so to assume; but I continue now without yielding to anyone at all.

Mr. VANDENBERG. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. VANDENBERG. Would the Senator yield any of his rights if he yielded for a quorum call?

The PRESIDENT pro tempore. In the opinion of the present occupant of the chair, he would.

Mr. CLARK. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. Is it not a fact that the present occupant of the chair ruled sometime ago—as I recall, during the debate on the court bill or on the antilynching bill—that, in the absence of a notice that the rules would be strictly enforced, a Senator yielding for the ordinary courtesies would not be considered as having yielded the floor?

The PRESIDENT pro tempore. The present occupant of the chair would not hold that the Senator yielded the floor if no point of order were made. If a point of order is not made, the Chair will not enforce the rule.

Mr. BURKE. Mr. President, I am opposed to the pending motion, that the Senate proceed to the consideration of a House bill covering the matter of executive reorganization, for the reason that it is obvious to every Member of the Senate that the motion is made in order that the bill passed a few moments ago by the Senate may not be sent to the House of Representatives for the consideration of that body, but may go directly to a conference committee, the result being, of course, that no Member of the House would be given any opportunity to express his views on the various parts of the bill other than in the consideration of the conference report, and everyone familiar with the rules in the other body, as well as in this body, knows that that is an extreme limitation.

Mr. President, to my mind the proposal to take up the House bill borders upon an open insult to the other branch of the Congress. I see no justification whatever for any proposal now to prevent the House from going into the subject of the bill which was recently passed by the Senate by a few votes, and considering all its features, and it is my firm conviction that the House ought not to be limited in any way in expressing its ideas upon this measure. For that reason, now that the whole matter has been opened up again for our consideration, I hope to express my views at some length, although I will try not to be unduly long.

First I desire to present for the serious consideration of the House and the Senate the editorial views of one of the leading newspapers of the Middle West on the entire subject of executive reorganization. As I listened this morning to expressions of sentiment by the senior Senator from Maryland [Mr. TYDINGS] I was reminded of the editorial expression from this great midwestern newspaper, and I offer the substance of it now as backing up fully the views expressed by the senior Senator from Maryland.

The editorial is entitled "America, on Guard!" It was published in the World-Herald, of Omaha, Nebr., Tuesday, March 15, 1938. The editorial writer proceeded to discuss this matter in the following language:

AMERICA, ON GUARD!

A survey of the tragic world scene from the comparative safety of free America brings into view one impressive truth.

This is that force and violence, lawlessness, and brigandage prevailing in national policy spring directly from loss of legislative power and judicial independence, and concentration of power in executive authority upon which there is no effective restraint.

Wherever there is a free congress, parliament, diet, legislative body under whatever name, that is a coordinate and independent branch of government; wherever there are free courts unafraid to interpret and protect legislative authority and constitutional guarantees, there is a free people. And it is a free people that does not menace the lives and liberties and rights and property of other peoples.

Wherever parliaments and courts are shorn of power and it is concentrated in the executive office, there liberty lies bleeding, the rights of individuals are unrecognized, and there is security for none. And from that land there comes, in full proportion to its military might, the gangster's menace to neighbors.

The difference is between government by law and government by a little group of men or by one man. It is the difference between despotism and democracy. The fruits of the two systems are plain for all to see.

Surely the truth is impressive. Surely it should serve to put vigilantly on guard those who still live under the ways of democracy and cherish its blessings.

We, of the United States, have need to be on guard. For clearly we can see in our own land the trend that has come to a terrifying realization in other countries. We have seen it in a weakening of the judiciary and the magnification of Executive power by delegation and surrender of congressional functions. Always the motive is proclaimed as good. But good or bad the motive, the result is the same. Steadily power drifts from States and communities to Washington, and as steadily gathers into the Executive keeping.

The latest manifestation is in the Government reorganization bill, now under consideration in the Senate.

This editorial was written, of course, before the vote taken this afternoon, before the Senate had passed the bill, and before this present wholly unwarranted and altogether unjustifiable attempt was made to deprive the other branch of the Congress of its full and free right to enter into the discussion of and decision upon this most important matter. The editorial continues:

That there is need for reorganization of certain branches of the executive department is admitted. Previous Presidents have urged it. The purpose was to heighten efficiency, to simplify by eliminating overlapping and duplication, to reduce personnel, and greatly to reduce expense.

The pending bill, as was submitted to Congress by the President, was of quite another nature. Admittedly it would effect little or no saving. Admittedly it would not reduce the number of the nine hundred thousand or more Federal employees. What it would do, and was designed to do, is enormously to increase executive power by stripping Congress of some of the most important powers it now possesses. It authorized the Executive not merely to reorganize but by Executive order to abolish or change the functions of every agency and office in the entire executive branch, and to do this without consulting Congress. It transferred control of the great independent boards and commissions, the instruments of Congress, into the President's hands. By abolishing agencies the President was to be given power to nullify laws depending upon them for enforcement. The Civil Service Commission was to be made a one-man Presidential office. The Comptroller General's office was to be brought under Executive domination. Through its warp and woof ran the bold threads of Executive aggrandizement by legislative abdication.

True enough, congressional consideration thus far has resulted in some modification of the more objectionable portions of the bill. But still it constitutes, as Senator Byrd, Virginia Democrat, has said, "sacrifice of established and proved principles of democratic government" and "delegations of power that are at best wedges of great potential danger."

Members of both Houses of Congress who, in committee and on the floor, have analyzed this proposal, have exposed its menaces and been courageous to resist them, measure up to the responsibilities of their office. They should have the support of citizens of all parties who, witnessing what has happened in other nations, are resolved it must not be permitted to happen here—or gain too long a start.

Mr. President, having given to the Senate the benefit of this editorial, which it seems to me covers the whole subject of executive reorganization in an able and masterful manner, I desire to discuss, inasmuch as the whole question has been reopened, some features of the bill in the hope that upon more mature deliberation and more careful consideration some of those who were led by one reason or another, by one force or another, to cast their vote a certain way today, may still, before it is too late, see the light, and redeem themselves and their record from what must otherwise go down in history as a great mistake.

So, Mr. President, the matter now having been entirely reopened, I feel free to address myself to several features of the bill. Before doing so in some detail, I wish to re-

assert the position which has appealed to me from the start in reference to this composite measure.

One of the compelling reasons why I felt a great urgency to vote for recommitment was that we have within the four corners of the bill altogether too great a consolidation of things which ought not to be included in the same measure. It had seemed to me that the bill should go back to the committee, even under the threat made by the Senator from South Carolina [Mr. BYRNES] that if the motion for recommitment carried he would, before the day's sun sank in the west, submit his resignation as chairman of the committee. Even facing the dire prospect that it would be necessary to replace the able Senator from South Carolina, the argument in favor of recommitment seemed to me compelling, because we now have in the bill, as we all know, things which ought not to be submitted for a single "yes" or "no" vote covering them all.

If time permits, I shall discuss the proposal in reference to the civil-service administration, the Comptroller General's office, the department of welfare, and possibly even the six administrative assistants, to say nothing of the main part of the bill, the reorganization of the executive departments. At this time, possibly somewhat out of order in the regular procedure under the bill, I should like to consider title III, which has to do with the Comptroller General's office. Title III proposes to make a very complete substitution for the Comptroller General's office.

It has been said on the floor of the Senate on a number of occasions that the bill makes alterations in existing law. When we stop to consider that the alteration proposed in the civil-service department is to abolish entirely the Civil Service Commission, and that the alteration proposed in reference to the Comptroller General's office is to abolish altogether the General Accounting Office and the office of Comptroller General, and so on through the bill; when we consider what is meant by the alterations which the bill proposes, I am reminded of an order issued one day last week by the Honorable Louis Johnson, Acting Secretary of War. It appears that in Cleveland, Ohio, there is a bridge known as the Lower West Third Street Bridge. Because the Ohio River is a navigable stream, the War Department, of course, has a considerable measure of control over it. Apparently, the bridge is not in very good condition. I have never crossed over it, but I understand from what is said about the bridge that it is possibly in the same relative condition as some of the executive departments. It needs some alterations. So the Honorable Louis Johnson, Acting Secretary of War, in a formal order issued to the city of Cleveland, gave directions to the city of Cleveland to make the following alterations in the Lower West Third Street Bridge in Cleveland:

Removal of the east, west, and center piers and all parts of the said bridge that extend into or over the said river.

Those are the alterations in reference to the bridge at Cleveland. They remind me very strongly of the alterations proposed by the bill for the reorganization of the executive departments. Since the General Accounting Office and the offices of Comptroller General and Assistant Comptroller General are to be altered under the bill by being completely abolished, I should like to give to the Senate some further views upon the importance of maintaining the General Accounting Office and the offices of Comptroller General and Assistant Comptroller General.

Title III of the bill proposes the emasculation of our independent accounting system by transferring back to the Treasury Department all the authority and duties of the General Accounting Office, making the Bureau of the Budget, in addition to its present duties, also the Government's General Accounting Office, and likewise making the Director of the Bureau of the Budget, in effect, the Comptroller General of the United States. The enactment of the bill, which has now secured the approval of the Senate, and which apparently is sought to be sent to the House without giving the House any opportunity to consider the evils connected with it, would

mean the complete destruction of the independence of our accounting system from control and domination by the spending branch of the Government, the executive branch. That independence was gained by the passage and approval of the Budget and Accounting Act of 1921, and then only after a long struggle by Congress to establish a system whereby public officers and employees were required to observe the law in spending the public moneys.

The present proposal is of such importance to Congress itself, and to the people whose moneys are involved, that it should be looked squarely in the face. I reiterate my objection to the pending motion, because I, for one, want to give the House of Representatives, the other branch of our legislative system, the opportunity to look squarely in the face title III of the bill, title I, and every other title of the bill. I do not propose by any vote of mine, or by any failure on my part to express my views, to deprive the other branch of the legislative department of our Government of the opportunity to look squarely in the face every title, every section, and every subsection of the bill which recently received the approval of this body.

I repeat that title III is a proposal of such importance to the Congress itself, and to the people whose moneys are involved, that it should be looked squarely in the face. Congress must not be caught off its guard. I think that statement applies to the House of Representatives as well as to the Senate. Congress must not be caught off guard or be deceived, because there is involved a matter vital to the effectiveness of Congress in discharging its constitutional duties and responsibilities, and vital to a proper and legal functioning of our system of self-government.

Bluntly stated, the proposal is that Congress now surrender all means of requiring law-observance by the officers and employees of the executive or spending branch of our Government in spending the billions of dollars annually appropriated by Congress for the operations of the Government authorized by law.

Congress alone may lay taxes and take money from the people with which to operate their Government, and Congress alone has power to authorize the withdrawal of such moneys from the Treasury, because our Constitution specifically stipulates that—

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Mr. BYRNES. Mr. President, will the Senator from Nebraska yield?

Mr. BURKE. Mr. President, I decline to yield except for a question because, under the ruling of the Chair, having yielded to the Senator from Mississippi, I used up one of my speeches on this legislative day, and I must decline to yield further if there is any question of my being deprived of the opportunity to continue the address which I am now prepared to deliver.

Mr. BYRNES. I should like to hear the Senator continue his speech, but I am wondering—

Mr. BURKE. Mr. President, I must insist that I be protected in my right to retain the floor. I do not yield if thereby I would lose the floor.

Mr. BYRNES. Mr. President, I will ask the Senator if he will yield to me to withdraw the pending motion?

Mr. BURKE. That will be a very happy consummation.

Mr. BYRNES. Mr. President, I wish to withdraw the motion to take up House bill 8202. I find upon investigation, under the resolution of the House creating the select committee, that committee has a right to place the bill upon the calendar and that such a bill has a privileged status in the House. I therefore withdraw the pending motion to take up the House bill.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator will state it.

Mr. McNARY. The motion which was pending to proceed to the consideration of the House bill has been withdrawn, has it?

Mr. BYRNES. That motion I have withdrawn.

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The PRESIDING OFFICER. The motion has been withdrawn.

Mr. McNARY. If that motion had not been withdrawn, then the next step would have been to strike out all after the enacting clause of the House bill and substitute the Senate bill?

Mr. CLARK. The Senator from South Carolina has withdrawn the motion.

Mr. McNARY. I understand; but that would have been the next step, probably, the Senator from South Carolina would have followed?

Mr. BYRNES. I have withdrawn the motion.

Mr. McNARY. Is it the purpose of withdrawing the motion, which I concede the Senator has a right to do, later today to permit the Senate bill to be messaged over to the House without further discussion in the Senate?

Mr. BYRNES. I have no reason for not having that done, but I am going to move to reconsider the vote by which the bill was passed.

Mr. McNARY. That is what I understand.

Now, the proposition is not to message this bill as passed to the House, but to move now to reconsider the vote by which Senate bill 3331 was passed.

Mr. BYRNES. Yes; I make that motion, Mr. President.

Mr. BARKLEY. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay on the table the motion of the Senator from South Carolina to reconsider.

Mr. CLARK. I suggest the absence of a quorum.

Mr. CONNALLY. Mr. President, the Senator from Nebraska yielded to the Senator from South Carolina only for the purpose of withdrawing the motion.

Mr. BURKE. I yielded only for the purpose of allowing the Senator from South Carolina to withdraw the motion which he made. I yielded for that purpose and for that purpose alone.

The PRESIDING OFFICER. The Senator from Nebraska was asked by the Senator from South Carolina whether or not he would yield for the purpose of permitting the Senator from South Carolina to withdraw the motion. The Senator from Nebraska yielded for that purpose and that purpose only.

Mr. BYRNES. That is correct.

The PRESIDING OFFICER. The Senator from Nebraska still has the floor.

Mr. BYRNES. I understood the Senator from Nebraska was discussing the motion and yielded to me for the purpose of withdrawing it.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The request was made by the Senator from South Carolina to withdraw his motion to proceed to the consideration of the House bill. No action has been taken upon that request.

The PRESIDING OFFICER. The Senator from South Carolina has a right to withdraw the motion.

Mr. McNARY. Did the Senator from Nebraska yield other than for the withdrawal request to be made?

The PRESIDING OFFICER. The Chair has ruled that the Senator from Nebraska yielded for that purpose only; and the Chair holds that the motion of the Senator from South Carolina to reconsider and the motion of the Senator from Kentucky to lay that motion on the table are out of order because the Senator from Nebraska has the floor.

Mr. BYRNES. The Senator from Nebraska yielded for that purpose, and the only reason I made the motion to reconsider was that I understood the Senator did not intend any longer to discuss the motion pending.

Mr. BURKE. Mr. President, I inquire if the Senator from South Carolina has made his motion to withdraw his former motion, and if that motion has been acted upon?

The PRESIDING OFFICER. That was acted upon.

Mr. BURKE. And the motion has been withdrawn?

The PRESIDING OFFICER. Yes. There is no business before the Senate at the present time.

Mr. BYRNES. I thought the Senator from Nebraska would not want to discuss a motion which had been withdrawn.

Mr. BURKE. Then there is no business before the Senate?

The PRESIDING OFFICER. There is no business before the Senate at present.

Mr. BYRNES. I move to reconsider the vote by which the reorganization bill was passed.

Mr. BARKLEY. I move to lay that motion on the table.

Mr. CLARK. I suggest the absence of a quorum.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. Are the motions now made controlled by the unanimous-consent agreement?

The PRESIDING OFFICER. They are not. After the passage of the reorganization bill the unanimous-consent agreement was of no further force and effect.

Mr. McNARY. That is the ruling of the Chair?

The PRESIDING OFFICER. It is. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	O'Mahoney
Andrews	Copeland	Johnson, Calif.	Overton
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahay	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reames
Barkley	Ellender	Lewis	Reynolds
Berry	Frazier	Lodge	Russell
Bilbo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkeley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Tydings
Capper	Herring	Murray	Vandenberg
Caraway	Hill	Neely	Wagner
Chavez	Hitchcock	Norris	Walsh
Clark	Holt	Nye	Wheeler

The PRESIDING OFFICER. Ninety-two Senators have answered to their names. A quorum is present.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from South Carolina [Mr. BYRNES] to reconsider the vote by which Senate bill 3331, the reorganization bill, was passed. On that question the yeas and nays have been demanded.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY]. The motion was agreed to.

Mr. WHEELER. Mr. President, I send to the desk two letters and a number of telegrams from certain labor organizations and others in my State, in opposition to the reorganization bill and asking for its amendment. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

YELLOWSTONE COUNTY TRADES AND LABOR ASSEMBLY,
Billings, Mont., March 26, 1938.

Hon. Senator WHEELER,
Washington, D. C.

DEAR HONORABLE SENATOR: We are asking you to recommit the obnoxious Government reorganization bill now pending which adversely affect every trade and occupation and which permits executive to transfer, abolish, or consolidate Government agencies or to abolish duties and change wage classifications of employees at will.

Very truly yours,
YELLOWSTONE COUNTY TRADES AND LABOR ASSEMBLY,
E. H. HELTERBRAN, Secretary.

FORT BENTON WOMAN'S CLUB,
Fort Benton, Mont., March 23, 1937.

Hon. BURTON K. WHEELER,
Washington, D. C.

DEAR SIR: The Fort Benton Woman's Club protests the principles of the provisions of Senate bill No. 2970, which permit:

1. Transfer of the Forest Service, Biological Survey, and Soil Conservation from the Department of Agriculture;
2. Renaming the Department of the Interior the Department of Conservation;
3. Removal from classified civil service of any office or position which is policy determining in character.

We commend you for your attitude and efforts against this bill and thank you.

We also urge your support of the principles of Senate bill No. 3290.

With best wishes,

Mrs. J. ARTHUR HANFORD, President.

MISSOULA, MONT., March 25, 1938.

Hon. B. K. WHEELER,

United States Senator, Washington, D. C.:

We respectfully urge that you use your influence and vote to recommit the Government reorganization bill back to committee so can be redrafted to guarantee continued independence of Veterans' Administration, service preference, and continuance of Civil Service Commission.

A. W. ANDERSON,
Commander, Department of Montana Veterans
of Foreign Wars, Butte, Mont.

HELENA, MONT., March 25, 1938.

Senator B. K. WHEELER,

Washington, D. C.:

Veterans Foreign Wars of Helena do not want any consolidation of Veterans' Administration.

A. J. WHITE,
Commander, Veterans of Foreign Wars, Helena
Legislative Representative, Department of Montana.

DEERLODGE, MONT., March 28, 1938.

Senator B. K. WHEELER,

Senate Office Building, Washington, D. C.:

Am advised brotherhoods wish to be heard on reorganization bill in view of possible harm. If so our wish would be vote to recommit S. 3331.

SAM WINN.

BUTTE, MONT., March 28, 1938.

Hon. B. K. WHEELER,

United States Senator, Washington, D. C.:

Please use your good influence to defeat reorganization bill now before Congress, likes of which no one ever before dared try put over on unsuspecting public. Its purposes so unholy revolutionary and detrimental to public welfare makes its sponsors unworthy further public trust.

T. M. DENNIS.

WASHINGTON, D. C., March 21, 1938.

Hon. BURTON K. WHEELER,

Senate Office Building, Washington, D. C.:

The American Federation of Labor urges you to vote to recommit the reorganization bill (S. 3331) for further study and consideration and in order that those most vitally affected by reorganization legislation may be given an opportunity to be heard and to present information and recommendations.

The reorganization bill now being considered by the Senate is highly objectionable to the American Federation of Labor and its entire membership.

It must be freely conceded that the usual custom of according hearings to those interested in legislation was not followed with reference to this reorganization bill. No hearings were held by the House committee and only a superficial hearing by the Senate committee at which only the chairman of the committee was present.

The reorganization bill now pending represents a broad and sweeping delegation of congressional authority to the executive branch of the Government. That provision of the bill is highly objectionable to labor. Congress ought to retain all its constitutional authority in conformity with principles of democratic procedure and democratic government. Said power ought to be broadened and extended but never curtailed nor surrendered.

I assure you labor is greatly alarmed over the serious implications involved in this legislation. I sincerely and earnestly appeal to you to vote to recommit the bill for further consideration, study, and analysis.

WILLIAM GREEN,
President, American Federation of Labor.

GREAT FALLS, MONT., March 21, 1938.

Honorable Senator BURTON K. WHEELER,

Congress of United States, Washington, D. C.:

As passage of administration reorganization bill in present form surrenders congressional authority to pass finally on reorganization of governmental departments and agencies, we urge you to vote against such bill, as we consider it usurpation of the duty and prerogative of Congress as determined by our Constitution and should not be surrendered in order that we preserve the fundamental right of our representation to discuss and decide upon such measures affecting the interests of the Nation and its citizens.

J. L. ERICKSON.

WASHINGTON, D. C., March 24, 1938.

Senator BURTON K. WHEELER,

Senate Office Building, Washington, D. C.:

On behalf of the 350,000 organized dairy farmers represented by our federation we urge you to vote to recommit the reorganization bill for further study. Under this bill every Government agency in which farmers are interested may be transferred to another department not sympathetic with the problems of agriculture. Any shift in Government agencies dealing with agriculture should be made only after full congressional hearings, debate, and record vote in both Houses. This wire is in line with the historic official position of our federation in the 20 years of its existence.

CHAS. W. HOLMAN,

Secretary, National Cooperative Milk Producers' Federation.

WASHINGTON, D. C., March 22, 1938.

Hon. BURTON K. WHEELER,

United States Senate, Washington, D. C.:

The American Federation of Government Employees urgently requests you to vote to recommit for further study and consideration Senate bill 3331, known as the Byrnes reorganization bill.

Searching inquiry respecting provisions contained in the reorganization bill is essential to adequate protection of the best interests of the taxpayers, the Government itself, and those employed by the Government.

Those most vitally affected by reorganization legislation should be given ample opportunity to be heard whereas opportunity to present information and recommendations has been limited to a superficial hearing by the Senate committee when only one member of such committee was present.

For these reasons the Byrnes reorganization bill is highly objectionable to the American Federation of Government Employees. We, therefore, sincerely and earnestly appeal to you to vote to recommit the bill for further study.

CHARLES I. STENGLE,

President, American Federation of Government Employees.

HELENA, MONT., March 21, 1938.

Senator B. K. WHEELER,

Washington, D. C.:

Government reorganization bill, as now worded, has many things which are obnoxious to labor, such as giving Executive power to arbitrarily change wage classification. Request that you vote to recommit the bill.

JAMES D. GRAHAM.

HELENA, MONT., March 21, 1938.

Senator BURTON K. WHEELER,

United States Senate, Washington, D. C.:

We earnestly request that you support Senator CLARK's amendment to the reorganization bill which will place the Veterans' Administration in exempted class of independent agencies. We urge you to vote and use your influence in behalf of this amendment.

AMERICAN LEGION, DEPARTMENT OF MONTANA.
HERBERT KIBLER, Department Adjutant.

MILES CITY, MONT., March 26, 1938.

Senator BURTON K. WHEELER,

United States Senate, Washington, D. C.:

Fort Keough Lodge, No. 811, representing 120 trainmen working at points between North Dakota State line and Harlowton, Mont., will appreciate you voting to recommit the reorganization bill.

ED REHN, Secretary.

PLAINS, MONT., March 26, 1938.

Hon. Senator B. K. WHEELER,

Washington, D. C.:

Countries in Europe striking example what happens with one-man rule. It can happen here. Destiny of citizens should remain in legislative body, reorganization bill as written should be defeated. Signers to above not representing vested interest and not suggested by them.

S. W. B. MYLER, C. W. MARTINDALE, E. A. LAROCK, FRED SYMES,
NICK SCHMITZ, E. S. AYERS, G. H. CREARY, J. F. BEEBE,
Hot Springs.

LIBBY, MONT., March 25, 1938.

Senator B. K. WHEELER,

Washington, D. C.:

It is my firm conviction present governmental reorganization bill is highly dangerous. It places too much power in Chief Executive. Congress should not give away more of its powers or we will be in same condition as dictator-ridden countries. Urge you to vote against bill in present form.

CHAS. D. ROWE,
Editor, Western News.

POLSON, MONT., March 25, 1938.

Senator B. K. WHEELER,

Senate Office Building, Washington, D. C.:

Fullerton Post 2986, Polson (Mont.) Veterans of Foreign Wars, request that you do your best to have Government reorganization bill recommitted to committee so that Veterans' Administration

be continued as at present and civil-service preference not be disturbed.

JAMES T. CARSON,

Adjutant, Fullerton Post 2986.

ANACONDA, MONT., March 26, 1938.

Senator B. K. WHEELER,

United States Senate, Washington, D. C.:

We think reorganization bill should be redrafted. Congress should be left in charge.

JOSEPH H. STRAIN.

GREAT FALLS, MONT., March 25, 1938.

Hon. B. K. WHEELER,

United States Senate, Washington, D. C.:

All thinking people are against reorganization bill. It is as dangerous as the Court packing. Kill it or delay it until people can really understand its grave danger.

BYRON DEFOREST,
FLORENCE DEFOREST,
KATHERINE DEFOREST,
ELEANOR LUX,
WILDA BROEKING,
IRENE JACQUES,
BARBARA BALCH,
MARY DEVRIES.

GREAT FALLS, MONT., March 25, 1938.

Senator WHEELER,

Washington, D. C.:

Delay voting reorganization bill until amendment safeguarding civil service can be passed.

MRS. ETHEL A. SKELTON.

HAVRE, MONT., March 24, 1938.

Senator B. K. WHEELER:

We don't want to lose American liberty. Vote against reorganization bill.

C. ANDERSEN.

MISSOULA, MONT., March 25, 1938.

Hon. B. K. WHEELER,

United States Senate, Washington, D. C.:

Request you use necessary influence and vote to recommit Government reorganization back to committee to be revamped and guaranteed independence of Veterans' Administration, Civil Service Commission, and service preferences.

WALTER STAHL,

Commander, Post 209, Veterans of Foreign Wars.

PROTECTION OF ALASKAN SALMON FISHERIES

Mr. SCHWELLENBACH. Mr. President, on March 8 of last year I presented to the Senate a discussion of the situation in reference to Japanese fishing in Bristol Bay. Since that time the State Department has steadily and diligently worked upon efforts to reach some satisfactory settlement with the Japanese Government. On last Friday the State Department made an announcement of certain assurances which had been received by our Government from the Japanese Government, and issued a statement which it had sent to the Japanese Government on November 22, 1937. The Department also issued a statement of the activities of other branches of our Government which will be continued in the future.

On behalf of those interested in the problem, I desire to express appreciation of the activities and efforts by the State Department, and of the success of those efforts. I ask unanimous consent to have printed in the RECORD, as a part of my remarks, the three statements to which I have referred.

The PRESIDING OFFICER (Mr. MINTON in the chair). Without objection, the statements will be printed in the RECORD.

The statements are as follows:

SUMMARY OF A STATEMENT MADE ON NOVEMBER 22, 1937, BY THE AMERICAN GOVERNMENT TO THE JAPANESE GOVERNMENT IN CONNECTION WITH THE ALASKA SALMON FISHERY SITUATION

Beginning in 1930, and in every year since then, there have been present in the Bristol Bay area of western Alaska during the salmon-fishing season Japanese fishing fleets made up of floating canneries and auxiliary vessels varying in type from small motor-boats to Diesel-powered trawlers. As long as the activities of these vessels were confined to the taking of crabs which abound in the Bering Sea they gave the American Government no cause for serious concern. Recently, however, evidence has accumulated which indicates that the Japanese fishing vessels operating in Bristol Bay are engaging in salmon fishing, thus raising the question of the protection and perpetuation of the salmon resources in these and other Alaskan waters.

In this connection the following trend of events is noteworthy: In 1936 the Japanese Government announced that a 3-year fishing survey of the salmon resources of Bristol Bay would be undertaken. Two years of the survey have been completed and a third year will carry it through the 1938 fishing season. The regular appearance in Bristol Bay of the fishery survey vessels, coupled with the operations of Japanese fishing fleets, has caused deep concern among large sections of the American public with regard to the object and significance of such activities.

Now reports from reliable sources have become increasingly numerous that Japanese fishing vessels operating in Bristol Bay are beginning to intercept the salmon runs of these waters. Such reports are becoming more and more insistent and reliable, and during the past season their authenticity has been supported by impressive affidavits, and by actual photographs of the fishing operations in question.

The American Government has understood from assurances given by the Japanese Government to the American Embassy at Tokyo that no licenses were being granted to Japanese fishing vessels to fish for salmon in the Bristol Bay area. Nevertheless evidence which continues to reach the American Government raises a strong presumption that Japanese nationals have actually begun salmon fishing on a substantial scale in the waters in question. The fact of such fishing being without the authority of the Japanese Government renders it of no less concern to the affected American interests. The persistence by Japanese nationals in such fishing operations in Alaskan waters would inevitably cause, among American interests, the gravest anxiety for the future of the salmon fisheries with which is inseparably joined the employment and economic welfare of large sections of the American people.

The American Government must also view with distinct concern the depletion of the salmon resources of Alaska. These resources have been developed and preserved primarily by steps taken by the American Government in cooperation with private interests to promote propagation and permanency of supply. But for these efforts, carried out over a period of years, and but for consistent adherence to a policy of conservation, the Alaska salmon fisheries unquestionably would not have reached anything like their present state of development.

The laws enacted by Congress for the protection of the fisheries of Alaska have especially provided for the perpetuation of the salmon resources by requiring an escapement for breeding purposes of at least 50 percent of the runs. To assure such escapements the fishing laws provide for weekly closed periods and prohibit commercial salmon fishing at the mouths of all but the larger Alaska salmon streams. The Secretary of Commerce is authorized to fix the size and character of nets, boats, and other equipment used in salmon fishing, to limit the catch of fish, and to regulate the length of the fishing season. In practice the season is limited to approximately 1 month, and fishing equipment to the simplest varieties, but Japanese nationals fishing in Bering Sea appear to be without restrictions as to season or equipment. The effect of these measures of conservation has been not only to maintain normal production from the Alaska salmon fisheries but to raise the salmon pack in recent years to the highest levels in the history of the industry. Conservation measures have also included biological surveys, the development of hatcheries, supervisory patrols, and the maintenance of special facilities for the conduct of these activities. The cost of these conservation measures to the American Government over the past 10 years has averaged annually the substantial sum of \$358,000.

The cost of the extensive efforts made by the Government to regulate salmon fishing and to perpetuate the supply of salmon has been borne by the American people, and not infrequently American fishermen have suffered loss of employment and income as a result of the various restrictions imposed. Because of such sacrifices, and the part that American citizens have played in bearing the cost of conserving and perpetuating the salmon resources, it is the strong conviction, and thus far unchallenged view, on the part of millions of American citizens on the Pacific coast interested in the salmon industry, and on the part of the American public generally, that there has been established a superior interest and claim in the salmon resources of Alaska.

Large bodies of American citizens are of the opinion that the salmon runs of Bristol Bay and elsewhere in Alaskan waters are an American resource; that the salmon fisheries relate to and are linked with the American continent, particularly the Northwest area; and that for all practical purposes, the salmon industry is in fact a part of the economic life of the Pacific Northwest coast. The fact that salmon taken from waters off the Alaskan coast are spawned and hatched in American inland waters, and when intercepted are returning to American waters, adds further to the conviction that there is in these resources a special and unmistakable American interest.

The Bristol Bay red salmon spawn in the tributary rivers and lakes of the adjacent region; the young hatch and remain in their fresh-water habitat for 1 or 2 years and then migrate to sea. After the seaward migration the salmon return in 2 or 3 years to their native streams where they spawn and die. It is during the spawning migration that salmon are exposed to commercial fishing, and the need for conservation measures arises.

In the principal Alaska fishing areas, and particularly in Bristol Bay, salmon appear in runs near the surface of the water and, in large part because of the shallowness of these waters, are subject to capture chiefly after they have passed from the open ocean to

the continental shelf. The continental shelf, extending for a considerable distance from shore, thus becomes a kind of bridge between the deep sea and the inland rivers and lakes where salmon spawn.

American fishermen are aware that salmon-fishing operations can be successfully conducted in the comparatively shallow offshore area of certain Alaskan waters; and that by using motor-powered vessels, long and deep fishing nets, and special seines, the per capita catch of salmon may be greatly increased. The prospect of the use of these more effective methods by Japanese nationals engaging in offshore fishing in Alaskan waters, while similar methods are denied to American fishermen, has provoked among American citizens expressions of serious concern and resentment. It is clear to all that if foreign nationals are permitted to carry on fishing operations off the shores of Alaska, the conservation efforts of the American Government would in a comparatively short period be completely nullified, whatever the intentions of those engaged in such fishing operations. Such an eventuality would be all the more deplorable for the reason that no conceivable economic gain would compensate the nationals of Japan for the probable destruction, however unintentional, of resources developed through the general efforts of American citizens.

The economic welfare of the Pacific coast and the perpetuation of the salmon industry are peculiarly interdependent. Employees engaged in the fisheries and the capital invested in them come largely from the States of the Pacific Northwest. The Alaska salmon industry in turn has been developed from a single cannery producing 12,500 cases in 1878 to an industry which in 1936 comprised 117 modern canneries, employed 25,000 persons, and packed approximately eight and one-half million cases of salmon. Bristol Bay operations began with an experimental pack of 400 cases, and by 1936, 24 canneries were in operation; 8,000 persons were employed, and the salmon packed in 1936 amounted to one and one-half million cases.

The Alaska salmon industry is not only of importance in itself but has had and continues to have a direct and important influence upon allied and related industries, in which many thousands of American citizens are employed. Shipbuilders, transportation companies, insurance companies, banks, and producers of marine supplies and fishing equipment on the Pacific coast, have predicated their investments and operating plans on the expectation of normal levels of production in the salmon industry. It is reliably estimated that the Alaska canned salmon industry as a whole annually pays to steamship companies for the handling of passengers and freight approximately \$3,500,000, pays about \$7,500,000 for canning materials, and expends roughly \$15,000,000 in taxes and for supplies incident to the operation of the salmon industry. The manufacture of supplies and equipment for the fishing industry contributes substantially to employment and industrial enterprise not only in the Pacific coast area but in widely separated regions of the country.

The interest of the residents of Alaska in the adjacent fishing waters is also real and vital. Upon the maintenance of a prosperous salmon fishing industry depends the entire fiscal and economic welfare of the Territory of Alaska. About 80 percent of the public revenues are derived from the salmon-fishing industry. It is clear therefore that not only expenditures for the ordinary functions of the Government of Alaska but also funds for the maintenance of its school system and public institutions depend upon the perpetuation of the salmon resources of Alaskan waters. It is also an important fact that Alaska's trade with the United States is confined to water transportation, and the facilities upon which such intercourse is based are indirectly dependent upon the stability and prosperity of the salmon industry.

The views hereinbefore expressed are strongly supported by Members of Congress, the Delegate to Congress from the Territory of Alaska, a large section of the American press and business interests, and residents of the Pacific coast generally.

The American Government is confident that the Japanese Government will realize the seriousness of the problem involved in this situation and the urgency of there being taken early and effective action to dispose of it. The American Government also believes that any solution or arrangement arrived at for the protection of Alaska salmon resources should cover not only the Bristol Bay area but also include and afford protection to all principal American salmon fishing waters adjacent to the Territory of Alaska. The emphasis which has been placed in this statement upon the situation in Bristol Bay arises from the fact that the activities of Japanese fishing vessels have been chiefly observed there; it should not be inferred for this reason that a similar situation in other Alaskan waters would be of less concern to American fishing interests.

Having in mind the high importance of the Alaska salmon fisheries as an industry fostered and perpetuated through the efforts and economic sacrifices of the American people, the American Government believes that the safeguarding of these resources involves important principles of equity and justice. It must be taken as a sound principle of justice that an industry such as described which has been built up by the nationals of one country cannot in fairness be left to be destroyed by the nationals of other countries. The American Government believes that the right or obligation to protect the Alaska salmon fisheries is not only overwhelmingly sustained by conditions of their development and perpetuation but that it is a matter which must be regarded as important in the comity of the nations concerned.

THE ALASKA SALMON FISHERY SITUATION

As a result of discussions between the American Government and the Government of Japan in regard to the salmon-fishing activities of Japanese nationals in the offshore waters of Alaska, especially in the Bristol Bay area, reported during the past fishing season, the Japanese Government has given, without prejudice to the question of rights under international law, assurances as follows: (1) That the Japanese Government is suspending the 3-year salmon-fishing survey which has been in progress since 1936 in the waters in question; (2) that inasmuch as salmon fishing by Japanese vessels is not permitted without licenses from the Japanese Government, and as the Government has been refraining from issuing such licenses to those vessels which desired to proceed to the Bristol Bay area to fish for salmon, it will, on its own initiative, continue to suspend the issuance of such licenses; that in order to make effective this assurance the Japanese Government is prepared to take, if and when conclusive evidence is presented that any Japanese vessels engage in salmon fishing on a commercial scale in the waters in question, necessary and proper measures to prevent any such further operations.

The American Government appreciates these assurances which the Japanese Government has given in the spirit of collaboration in the efforts of the American Government to conserve and protect the Alaskan salmon-fishery resources and is gratified that discussions have been conducted by the two governments concerned in a friendly manner.

In view of the above assurances it is evident that if ever Japanese vessels, which were present in the waters in question to engage in crab fishing or in production of fish meal, caught salmon in commercial quantities in the past, such fishing was conducted without the knowledge of the Japanese Government.

Furthermore, these assurances of the Japanese Government are regarded as regulating the situation until such time as the problems involved may call for, and circumstances may render practicable, the taking of other measures.

The American Government will continue to give constant and practical attention to the question of the Alaska fisheries and the question of ways and means to ensure the protection and perpetuation of the highly important food resource and industries involved. To this end the fullest possible collaboration of the appropriate agencies of the Government will be utilized. In accordance with this objective, and for the general purpose of removing cause for apprehension on the part of American fishing interests, the Bureau of Fisheries and the Coast Guard will continue to be charged with the duty of observing fishing activities in Alaskan waters.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, ETC.

Mr. McKELLAR. Mr. President, I move that the Senate proceed to the consideration of House bill 9544, being the appropriation bill for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor.

The PRESIDING OFFICER (Mr. HATCH in the chair). The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. McKELLAR. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING. Mr. President, I understand that the purpose of the Senator in charge of the bill is to proceed with the consideration of the committee amendments today, after which the bill will be laid aside, and we shall resume its consideration tomorrow. Some of us have not had a chance to examine the bill, and would like to look at it.

Mr. McKELLAR. That will be satisfactory.

The PRESIDING OFFICER. The clerk will state the first amendment of the committee.

The first amendment of the Committee on Appropriations was, under the heading "Title I—Department of State—Foreign intercourse," on page 15, after line 8, to strike out:

Not to exceed 10 percent of any of the foregoing appropriations under the caption "Foreign intercourse" for the fiscal year ending June 30, 1939, may be transferred, with the approval of the Director of the Bureau of the Budget, to any other foregoing appropria-

tion or appropriations under such caption for such fiscal year, but no appropriation shall be increased more than 10 percent thereby: *Provided*, That all such transfers and contemplated transfers shall be set forth in the Budget for the fiscal year 1940.

The amendment was agreed to.

The next amendment was, under the subhead "General provisions", on page 29, line 7, after the word "the", to strike out "Department of State Appropriation Act, 1939" and insert "Department of State Appropriation Act, 1939", so as to read:

This title may be cited as the "Department of State Appropriation Act, 1939."

The amendment was agreed to.

The next amendment was, under the heading "Title II—Department of Justice—Office of the Attorney General", on page 29, line 20, after the word "Division" and the comma, to strike out "\$559,300" and insert "\$566,070", so as to read:

For the Administrative Division, \$566,070.

The amendment was agreed to.

The next amendment was, on page 30, line 2, after the name "Attorney General" and the comma, to strike out "\$2,057,460" and insert "\$2,064,230"; and in line 3, after the figures "\$2,064,230" in the committee amendment, to strike out the colon and the following proviso: "Provided, That 10 percent of the foregoing amounts shall be available interchangeably for expenditures in the various offices and divisions named, but not more than 10 percent shall be added to the amount appropriated for any one of said offices or divisions and any interchange of appropriations hereunder shall be reported to Congress in the annual Budget", so as to read:

Total, office of the Attorney General, \$2,064,230.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice", on page 35, line 11, after the word "attorneys", to insert "or the head of the division, who shall be appointed by the President by and with the advice and consent of the Senate", so as to read:

Bond and Spirits Division: For salaries and expenses in connection with the preliminary determination of civil liabilities arising under acts pursuant to the eighteenth amendment before repeal; the preliminary determination of compromises and petitions for remission of forfeitures arising out of current internal-revenue liquor laws; the supervision of the collection on forfeited bail bonds and judgments and fines imposed in criminal cases; personal services in the District of Columbia and elsewhere, and such other expenditures (not exceeding \$50 for any one item) as may be necessary, \$165,000: *Provided*, That no part of this appropriation shall be used to compensate any person not appointed pursuant to civil-service laws and regulations, but this limitation shall not apply to attorneys or the head of the division who shall be appointed by the President by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, under the subhead "Veterans' insurance litigation", on page 36, line 20, after the word "elsewhere" and the comma, to strike out "\$485,000" and insert "\$285,000", so as to read:

Salaries and expenses: For salaries and expenses incident to the defense of suits against the United States under section 19, of the World War Veterans' Act, 1924, approved June 7, 1924, as amended and supplemented, or the compromise of the same under the Independent Offices Appropriation Act, 1934, approved June 16, 1933, including office expenses, law books, supplies, equipment, stenographic reporting services by contract or otherwise, including notarial fees or like services and stenographic work in taking depositions at such rates of compensation as may be authorized or approved by the Attorney General, printing and binding, the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and personal services in the District of Columbia and elsewhere, \$285,000.

The amendment was agreed to.

Mr. GEORGE subsequently said: Mr. President, I desire to ask the Senator from Tennessee what was done with the amendment on page 36, line 20.

Mr. McKELLAR. It was agreed to.

Mr. GEORGE. It was agreed to as reported by the committee?

Mr. McKELLAR. As reported by the committee.

Mr. GEORGE. I ask unanimous consent to recur to that amendment.

Mr. McKELLAR. I have no objection to that course.

The PRESIDING OFFICER. The Senator from Georgia requests that the Senate recur to the amendment on page 36, line 20. Without objection, it is so ordered.

Mr. GEORGE. Mr. President, my purpose in asking to recur to the amendment is to ask the Senate to reject the amendment of the committee reducing the amount of the appropriation for the Department of Justice for World War veterans' insurance litigation.

Mr. McKELLAR. I have no objection to the reconsideration of the amendment, and I have no objection to its rejection.

Mr. GEORGE. I thank the Senator.

Mr. BARKLEY. Mr. President, I join the Senator from Georgia in thanking the Senator from Tennessee. After an investigation, it has been found that at present there is so much litigation on this subject in the Department of Justice that it would be a great injustice to reduce the amount.

Mr. GEORGE. And it would greatly delay the adjudication of the cases.

Mr. BARKLEY. Yes; it would greatly delay their adjudication.

Mr. GEORGE. I should like to say for the benefit of the RECORD that the amount of \$485,000 appropriated by the House, as, of course, the Senator from Tennessee and the Senator from Kentucky well understand, is about \$130,000 less than the request submitted by the Bureau of the Budget.

Mr. McKELLAR. There is a reason for its being less. The reason is that these veterans' cases have very greatly decreased; and when individual amendments are in order tomorrow, I expect to have prepared and shall offer an amendment which will require reports on all these cases. As we all know, the veterans' cases are decreasing very rapidly all over the country, and by the time the next appropriation bill comes before Congress we ought to know just exactly what work is necessary in this connection, so as to reduce the force assigned to try those cases if the facts warrant a reduction.

Mr. GEORGE. I quite agree with the Senator from Tennessee.

The PRESIDING OFFICER. The request of the Senator from Georgia was to recur to this amendment, which has been already agreed to by the Senate. Is it the request of the Senator that the vote by which the amendment was agreed to be reconsidered?

Mr. GEORGE. It is.

Mr. McKELLAR. I make that request.

The PRESIDING OFFICER. Without objection, the vote is reconsidered.

Mr. McKELLAR. I have no objection to the rejection of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. O'MAHONEY. Mr. President, let me say that I know that several members of the Committee on Appropriations have felt that this action should be taken; and they will be very glad that the matter has been reopened by the Senator from Georgia and the rejection of the amendment has been agreed to by the Senator from Tennessee.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Penal and correctional institutions", on page 42, after line 10, to strike out:

Not to exceed 10 percent of any of the foregoing appropriations under the general heading "Penal and correctional institutions" (except those for "Medical and hospital services," "Buildings and equipment," and "Construction and repair, United States Penitentiary, McNeil Island, Wash.") may be transferred, with the approval of the Director of the Bureau of the Budget, to any appropriation or appropriations from which transfers are authorized to be made by this paragraph, but no appropriation shall be increased by more than 10 percent thereby, and no transfer shall be effected for the payment of personnel in any such institution.

The amendment was agreed to.

The next amendment was, under the heading "Judicial—United States Supreme Court", on page 46, line 22, after the word "Court" and the semicolon, to strike out "\$426,100" and insert "\$427,250", so as to read:

UNITED STATES SUPREME COURT

Salaries: For the Chief Justice and eight Associate Justices; Reporter of the Court; and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court; \$427,250.

Mr. McKELLAR. Mr. President, in connection with this amendment I am directed by the committee to move to strike out "\$427,250" and to insert in lieu thereof "\$431,110." The object of the increase is to provide two clerks for the Supreme Court.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 46, line 22, it is proposed to strike out "\$427,250" and to insert in lieu thereof "\$431,110."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, under the heading "Judicial—United States courts for the District of Columbia", on page 47, line 15, after the word "the", to strike out "expenditures" and insert "appropriations"; and in line 18, after the word "the" where it occurs the first time, to strike out "expenditures" and insert "appropriations", so as to read:

Sixty percent of the appropriations for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 percent of the appropriations for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 50, line 17, after the word "Zone", to strike out "\$44,812" and insert "\$46,085"; so as to read:

DISTRICT COURT, PANAMA CANAL ZONE

Salaries: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, \$46,085.

Mr. McKELLAR subsequently said: Mr. President, I ask unanimous consent to return to the amendment on page 50.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to return to the amendment on page 50. Without objection, it is so ordered.

Mr. McKELLAR. I am directed by the committee to offer an amendment to the committee amendment.

The PRESIDING OFFICER. Does the Senator wish to have the vote reconsidered by which the amendment was agreed to?

Mr. McKELLAR. I do.

The PRESIDING OFFICER. Without objection, the vote is reconsidered. The Senator from Tennessee offers an amendment to the committee amendment, which will be stated.

The CHIEF CLERK. On page 50, line 17, after the numerals "\$46,085", it is proposed to insert "together with not to exceed \$1,500 of the unexpended balance of the appropriation for this purpose in the Department of Justice Appropriation Act, 1938, and such amount shall be available to pay additional compensation to the following officials of the court for the fiscal year 1938: District attorney, \$500; assistant district attorney, \$250; marshal, \$500; deputy marshal, \$250: *Provided further*, That during the fiscal year 1939 the compensation of the court officials named shall be at the rates as follows: District attorney, \$5,500; assistant district attorney, \$4,050; marshal, \$5,500; deputy marshal, \$3,125."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, under the subhead "United States Court for China", on page 51, line 10, after the word "interment" and the semicolon, to insert "including travel expenses of officers and employees of the court and of their dependents while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency", so as to read:

Salaries and expenses: For salaries of the judge, district attorney, and other officers and employees of the United States Court for China; allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any one person; court expenses, including reference and law books, printing and binding, ice and drinking water for office purposes, traveling expenses of officers and employees of the court, and, under such regulations as the Attorney General may prescribe, of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties, to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; including travel expenses of officers and employees of the court and of their dependents, while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency; the expense of maintaining in China American convicts and persons declared insane by the court, rent of quarters for prisoners, ice and drinking water for prison purposes, including wages of prison keepers, and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the court, \$51,000.

The amendment was agreed to.

Mr. BONE. Mr. President, I ask the Senator in charge of the bill whether in the discussion of the bill in the committee any provision was made for an increase in the very small salaries of deputy marshals. They receive astonishingly small compensation.

Mr. McKELLAR. Yes; such provision was made. Not only was the matter discussed but there is in the bill an amendment which raises the salaries of the deputy marshals. The Senator will find it on page 52.

Mr. BONE. What part of the page?

Mr. McKELLAR. Page 52, line 20. The amendment raises the total to \$3,639,440, and that will mean that the deputy marshals will be paid salaries of \$1,800 and up.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. VANDENBERG. Do I correctly read the report that the bill appropriates \$2,600,000 more than the comparable bill for 1938?

Mr. McKELLAR. Yes.

Mr. VANDENBERG. How is the Budget going to be balanced in that way?

Mr. McKELLAR. That is a matter which we shall have to consider. It involves a large amount of detail. A reduction in appropriations of a great deal more than that amount would be necessary to balance the Budget, as the Senator knows. The increase carried by the bill is a very small one, as the Senator will see if he will examine the other bills.

Mr. VANDENBERG. Yes; but the trend is constantly in the direction of increased appropriations.

Mr. McKELLAR. It has been in that direction during the 27 years I have been in Congress, and during the 10 years the Senator from Michigan has been in Congress the trend has all been that way.

Mr. VANDENBERG. Let me ask the Senator a question in perfect good faith. I joined the Senator from Tennessee a number of years ago in his famous 10-percent campaign, in which he and I sought to do something about the staggering burden which was falling on the American taxpayer. Does the Senator think another time will ever come when he will be willing to renew his 10-percent campaign?

Mr. McKELLAR. No; because we found that it was impossible to make such a reduction. A better result can be obtained by cutting down individual appropriations.

Mr. VANDENBERG. Are any of the appropriations being cut down?

Mr. McKELLAR. Yes; some of them. The appropriations for the Treasury and Post Office Departments, as the bill was passed by the Senate, were cut down considerably.

Mr. VANDENBERG. The outlook is rather discouraging, the Senator thinks?

Mr. McKELLAR. The increase in the pending bill is not a large one.

Mr. VANDENBERG. No; and I realize that particularly the Department of State suffers probably more from a lack of sympathetic consideration in respect to appropriations than does any other department.

Mr. McKELLAR. No; the Department of State had very sympathetic consideration on the part of the committee, and comparatively few decreases were made by the House of Representatives. As a matter of fact, if I recall correctly, no one came from the Department of State to be heard in reference to any matters they desired to have included.

Mr. VANDENBERG. The Senator is a great believer in economy and always was, and I was wondering whether he could offer me any consolation or give me any hope whatever about a reduction in Government expenses.

Mr. McKELLAR. It is very difficult to offer any hope. The Senator is as much of a believer in economy as I am, and it is very difficult to economize in the expenses of the Government. They have gone up regularly every year since I have been a Member of Congress, and it looks to me as if they are likely to continue to rise.

Mr. CLARK. Mr. President, that is particularly true with regard to the hopelessness of reducing the expenses of the Government when we reflect that we passed a bill just a few moments ago providing for the creation of another department, which, of course, will be a nucleus of expanding demands on the Congress.

Mr. VANDENBERG. The Senator from Tennessee is not saying we must "go broke"?

Mr. McKELLAR. Indeed I am not; quite the contrary.

Mr. VANDENBERG. I do not see how it can be to the contrary when the Senator says we cannot stop the trending increases.

Mr. McKELLAR. A few minutes ago the Senator spoke about the State Department. As the bill came from the House it carried \$16,728,750 for the State Department, and in the Senate committee we increased that amount. Last year the appropriation for that Department was \$19,500,000, so the appropriation this year represents a decrease.

Mr. VANDENBERG. Does the Senator remember the eloquent speech he made in 1932 when he found that a \$3,000,000,000 Budget was going to wreck us overnight?

Mr. McKELLAR. I do not recall about stating that it would wreck us overnight, and it did not wreck us overnight, but it came very near it. Several thousand banks failed, and the people of the country were very much afraid that the country would become bankrupt. The Senator will recall that they were so much afraid that it would go into bankruptcy that they changed the administration that year.

Mr. VANDENBERG. Oh, yes, they did; and they were promised a reduction of expenditures by 25 percent, as I recall. Does the Senator remember anything about that?

Mr. McKELLAR. I do remember about it; and it was not granted.

Mr. VANDENBERG. The Senator means it was not performed?

Mr. McKELLAR. It was not performed.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Marshals and other expenses of United States courts," on page 52, line 20, after the word "marshals" and the comma, to strike out "\$3,594,440" and insert "\$3,639,440", so as to read:

Salaries and expenses of marshals, etc.: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specifically directed by the Attorney General, traveling expenses, purchase, when authorized by the Attorney General, of 10 motor-propelled passenger-carrying vans at not to exceed \$2,000 each, and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals, \$3,639,440.

The amendment was agreed to.

The next amendment was, on page 53, line 8, after the word "attorney" and the comma, to strike out "\$2,990,940" and insert "\$3,025,000", so as to read:

Salaries and expenses of district attorneys, etc.: For salaries and expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, \$3,025,000.

The amendment was agreed to.

The next amendment was, on page 54, line 7, after the word "offices" and the comma, to strike out "\$2,179,800" and insert "\$2,219,800", so as to read:

Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, and expenses of conducting their respective offices, \$2,219,800.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, I ask the Senator from Tennessee whether the Senate committee amendment on page 15 was agreed to.

Mr. McKELLAR. It was agreed to.

Mr. PITTMAN. I give notice of a motion to reconsider the vote by which that amendment was agreed to.

The PRESIDING OFFICER. The motion will be entered. The clerk will state the next amendment of the committee.

The next amendment was, on page 55, line 25, after the word "for" and the comma, to strike out "\$731,970" and insert "\$737,650", so as to read:

Miscellaneous salaries: For salaries of all officials and employees of the Federal judiciary, not otherwise specifically provided for, \$737,650.

The amendment was agreed to.

The next amendment was, under the subhead "General provisions", on page 58, after line 2, to strike out:

None of the funds appropriated by this title may be used to pay the compensation of any person as an attorney unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 58, after line 15, to insert:

This title may be cited as the "Department of Justice Appropriation Act, 1939."

The amendment was agreed to.

The next amendment was, under the heading "Title III—Department of Commerce—Office of the Secretary", in the item for traveling expenses, on page 60, line 20, after the figures "\$1,171,150", to insert a colon and the following proviso:

Provided, That not exceeding \$6,000 of this appropriation shall be available for the hire of automobiles for travel on official business, without regard to the provisions of the act of July 16, 1914 (38 Stat. 508).

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Air Commerce", on page 64, line 8, after the name "District of Columbia" and the comma, to strike out "\$650,000" and insert "\$625,000", so as to read:

Departmental salaries: For personal services in the District of Columbia, \$625,000.

The amendment was agreed to.

The next amendment was, on page 61, line 16, after the word "automobiles" and the semicolon, to insert "for purchase, including exchange of an automobile"; and in line 20, after the word "grant" and the comma, to strike out "\$4,463,500" and insert "\$4,713,500", so as to read:

Establishment of air-navigation facilities: For the establishment of additional aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing aids to air navigation; for personal services

in the field; maintenance, repair, and operation of automobiles; for purchase, including exchange, of an automobile; special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, \$4,713,500, of which amount \$2,000,000 shall be available for the payment of contractual obligations authorized to be incurred prior to July 1, 1938, by the first proviso under this head in the Department of Commerce Appropriation Act, 1938.

The amendment was agreed to.

The next amendment was, on page 62, line 3, after the word "of", to insert "a further", so as to make the proviso read:

Provided, That in addition to the amount herein appropriated, the Secretary of Commerce may, prior to July 1, 1939, enter into contracts for the purchase, construction, and installation of additional air-navigation aids not in excess of a further \$2,000,000 which authorization is in lieu of, and not in addition to, the authorization contained in said proviso to incur contractual obligations in the same amount prior to July 1, 1939.

The amendment was agreed to.

The next amendment was, on page 62, line 20, after the word "periodicals" and the semicolon, to strike out "\$8,726,400" and insert "\$6,792,400", so as to read:

Maintenance of air-navigation facilities: For all necessary expenses of operation, maintenance, and upkeep of existing aids to air navigation, including purchase, exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of special clothing, wearing apparel, and suitable equipment for aviation purposes (including rubber boots, snowshoes, and skis); books of reference and periodicals; \$6,792,400.

The amendment was agreed to.

The next amendment was, on page 63, line 9, after the word "exceed", to strike out "\$10,000" and insert "\$5,000"; and in line 16, after the words "in all" and the comma, to strike out "\$1,232,300" and insert "\$1,267,300", so as to read:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes," as amended by the act approved February 28, 1929, and the acts approved June 19, 1934 (49 U. S. C. 171-184), including personal services in the field; control of air traffic on civil airways at air terminals, including necessary equipment therefor; rent in the District of Columbia and elsewhere; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories, and repairs; purchase, including exchange (not to exceed \$5,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase of special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and other publications; and all other necessary expenses not included in the foregoing; in all, \$1,267,300.

The amendment was agreed to.

The next amendment was, on page 64, line 6, after the word "expenses" and the comma, to strike out "\$258,000" and insert "\$240,000", so as to read:

Safety and planning: Further to carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes," as amended by the act approved February 28, 1929, and the acts approved June 19, 1934, through safety research relative to aviation equipment, personnel, and operation methods; including not to exceed \$75,000 for personal services in the District of Columbia and not to exceed \$80,000 for personal services in the field; not to exceed \$1,000 for the purchase of books of reference and periodicals; purchase of reports, documents, plans, specifications, and manuscripts; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; and all other necessary expenses, \$240,000.

The amendment was agreed to.

The next amendment was, on page 65, line 21, after the word "pounds", to insert "(net weight when shipped without packing)", so as to read:

The appropriations under title III herein for traveling expenses shall be available in an amount not to exceed \$1,800 for expenses of attendance at meetings concerned with the promotion of civil aeronautics when incurred on the written authority of the Secretary of Commerce and shall also be available for payments, at a rate of not to exceed 3 cents per mile, to maintenance and operating personnel, Bureau of Air Commerce, as reimbursement to such personnel of the expenses of the necessary travel in their personally owned automobiles in connection with the maintenance and operation of remotely controlled air-navigation facilities, all

of which may be considered as being within the limits of the official post of duty of such personnel. Appropriations herein made for maintenance of air-navigation facilities and aircraft in commerce shall be available in a total amount of not to exceed \$15,000 for expenses of packing, crating, and transporting household effects of employees, in any one case not to exceed 6,000 pounds (net weight when shipped without packing), when transferred from one official station to another for permanent duty.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce", on page 67, line 24, after the word "foregoing" and the comma, to strike out "\$323,000" and insert "\$285,000", so as to read:

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference, and periodicals, reports, documents, plans, specifications, manuscripts, newspapers, both foreign and domestic (not exceeding \$300), and all other publications necessary for the promotion of the commercial interests of the United States, and all other necessary incidental expenses not included in the foregoing, \$285,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 17, to strike out:

Appropriations herein made for the Bureau of Foreign and Domestic Commerce shall be available in an amount not to exceed \$300 for expenses of illustrating the work of that Bureau at meetings concerned with the promotion of foreign and domestic commerce, or either.

The amendment was agreed to.

The next amendment was, on page 71, after line 22, to strike out—

The appropriation herein under title III for traveling expenses shall be available in an amount not to exceed \$4,700 for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, when incurred on the written authority of the Secretary of Commerce.

And in lieu thereof to insert the following:

The appropriation herein under title III for traveling expenses shall be available in an amount not to exceed \$5,000 for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, and also expenses of illustrating the work of the Bureau of Foreign and Domestic Commerce by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of the Census", on page 73, line 23, after the word "records" and the comma, to strike out "\$50,000" and insert "\$100,000", so as to read:

Salaries and expenses, Social Security Act: For salaries and necessary expenses for searching census records and supplying information incident to carrying out the provisions of the Social Security Act, approved August 14, 1935 (42 U. S. C., ch. 7), including personal services in the District of Columbia; binding records; supplies; services; repairs to, and replacement parts for, office and mechanical equipment for the reproduction of census records, \$100,000: *Provided*, That the procedure hereunder for the furnishing from census records of evidence for the establishment of age of individuals shall be pursuant to regulations approved jointly by the Secretary of Commerce and the Social Security Board.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Marine Inspection and Navigation", on page 75, line 11, after the word "elsewhere" and the semicolon, to strike out "\$2,202,000" and insert "\$2,322,000", so as to read:

Salaries and general expenses: For salaries of shipping commissioners, inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motorboats and employ such persons as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services in the District of Columbia and elsewhere, \$2,322,000.

Mr. BARKLEY. Mr. President, the senior Senator from Louisiana [Mr. OVERTON] has asked that this amendment go over until tomorrow.

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. The amendment will be passed over. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Bureau of Lighthouses", on page 80, line 21, after the name "District of Columbia" and the comma, to strike out "\$125,000" and insert "\$130,000, of which sum shall be available for the employment of a senior engineer, at \$3,800 per annum, a junior engineer, at \$2,000 per annum, and a clerk, at \$1,640 per annum", so as to read:

Salaries: For the Commissioner and other personal services in the District of Columbia, \$130,000, of which sum shall be available for the temporary employment of a senior engineer, at \$3,800 per annum, a junior engineer, at \$2,000 per annum, and a clerk, at \$1,640 per annum.

The amendment was agreed to.

The next amendment was, on page 84, line 6, after the word "necessary" and the comma, to strike out "\$2,302,000" and insert "\$2,332,000", so as to read:

Salaries, lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, \$2,332,000.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey", on page 85, line 21, after the word "employment", to insert "in the field and office", so as to read:

Field expenses, coastal surveys: For surveys and necessary resurveys of coasts on the Atlantic and Pacific Oceans and the Gulf of Mexico under the jurisdiction of the United States, and including the employment in the field and office of two physicists to develop survey methods based on transmission of sound through sea water and one temporary engineer to develop instruments for aerial photographic surveying, \$283,000:

The amendment was agreed to.

The next amendment was, on page 86, line 23, after the word "necessary", to strike out the comma and "\$64,550: *Provided*, That \$4,550 of this amount be expended for a resurvey of the San Andreas fault line north of San Francisco, Calif." and insert "\$60,000", so as to read:

Magnetic and seismological work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers, and instrument makers and stenographic services as may be necessary, \$60,000.

The amendment was agreed to.

The next amendment was, on page 88, line 19, after the word "law" and the comma, to strike out "\$582,000" and insert "\$554,500", so as to read:

Pay of officers and men on vessels: For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the Survey, to execute the work of the Survey herein provided for and authorized by law, \$554,500.

The amendment was agreed to.

The next amendment was, in the items for the Coast and Geodetic Survey, on page 89, line 10, after the word "services" and the comma, to strike out "\$580,000" and insert "\$570,000", so as to read:

Office force: For personal services, \$570,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries", on page 91, line 16, after the name "District of Columbia" and the comma, to strike out "\$962,000" and insert "\$1,002,000", and in line 23, after the numerals "1938", to insert "and not to exceed \$40,000 to acquire the Fields fish-cultural station located in Comanche County, Okla.", so as to read:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, acquisition, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars

and not to exceed \$15,000 for purchase of trucks for fish distribution; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field; purchase of equipment (including rubber boots and oilskins), and apparatus; contingent expenses; pay of permanent employees not to exceed \$423,050; temporary labor; not to exceed \$10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith; and not to exceed \$10,000 for the purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, of which not to exceed \$5,000 may be expended for personal services in the District of Columbia, \$1,002,000, including not to exceed \$155,000 to establish or commence the establishment of stations authorized by the act approved May 21, 1930 (46 Stat. 371), for which the need is most urgent, and not to exceed \$80,000 to complete the establishment of fish-cultural stations commenced with funds appropriated for this purpose under this head in the Department of Commerce Appropriation Act, 1938, and not to exceed \$40,000 to acquire the Fields fish-cultural station located in Comanche County, Okla., including the acquisition of necessary land, construction of buildings and ponds, water supply, improvements to grounds, purchase of equipment, and all other necessary expenses.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

Construction of fish screens: For construction, operation, and maintenance, in cooperation with the Bureau of Reclamation, of fish screens and ladders on Federal irrigation projects, \$20,000, of which not to exceed \$6,400 may be expended for the pay of employees engaged in the conduct of investigations and surveys, the preparation of designs, and the supervision of construction, in connection with such screens and ladders.

The amendment was agreed to.

The next amendment was, on page 93, line 23, after the word "exceed", to strike out "\$60,000" and insert "\$67,000"; and on page 94, line 8, after the word "Fisheries" and the comma, to strike out "\$73,600" and insert "\$83,600", so as to read:

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, and to enable the Secretary of Commerce to execute the functions imposed upon him by the act entitled "An act authorizing associations of producers of aquatic products," approved June 25, 1934 (48 Stat., p. 1213), including pay of permanent employees not to exceed \$67,000 of which amount not exceeding \$10,240 may be expended for personal services in the District of Columbia, compensation of temporary employees, preparation of reports, contract stenographic reporting services, temporary employees in the District of Columbia, not to exceed \$2,600, and all other necessary expenses in connection therewith, including the purchase (not to exceed \$1,100), exchange, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles for official use in the field work of the Bureau of Fisheries, \$83,600.

The amendment was agreed to.

The next amendment was, under the subhead "Patent Office", on page 97, line 23, after the word "the", to strike out "Department of Commerce Appropriation Act, 1939" and insert "Department of Commerce Appropriation Act, 1939", so as to read:

This title may be cited as the "Department of Commerce Appropriation Act, 1939."

The amendment was agreed to.

The next amendment was, under the heading "Title IV—Department of Labor—Immigration and Naturalization Service", on page 103, line 11, after the figures "\$7,781,000", to insert a comma and "of which \$100,000 shall be used for increased compensation to persons receiving less than \$2,000 per annum", so as to read:

Salaries, field service: For salaries of field personnel of the Immigration and Naturalization Service, including the personnel of the Immigration Border Patrol and the services of persons authorized by law to be detailed to the District of Columbia for duty, \$7,781,000, of which \$100,000 shall be used for increased compensation to persons receiving less than \$2,000 per annum.

Mr. McKELLAR. Mr. President, by direction of the committee I desire to offer an amendment to the committee amendment by striking out "\$100,000" and inserting "\$50,000."

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment, on page 103, line 11, it is proposed to strike out "\$100,000" and insert "\$50,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead, "United States Employment Service", on page 111, line 11, after the word "the", to strike out "Department of Labor Appropriation Act 1939" and insert "Department of Labor Appropriation Act, 1939", so as to read:

This title may be cited as the "Department of Labor Appropriation Act, 1939."

The amendment was agreed to.

The next amendment was, on page 111, line 25, after the name "United States", to insert "or a person in the service of the United States on the date of the approval of this act who, being eligible for citizenship, has filed a declaration of intention to become a citizen or who owes allegiance to the United States", so as to read:

Sec. 3. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this act who, being eligible for citizenship, has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Mr. McKELLAR. Mr. President, I present an amendment to be added to the committee amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 112, line 4, after the word "States", in the committee amendment, it is proposed to insert "Provided, That this section shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed 10 permanent employees and such temporary employees as are required from time to time) where competent citizen interpreters are not available."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. That concludes the amendments of the committee.

Mr. HAYDEN. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 23, after line 15, it is proposed to insert the following:

Fence construction on the boundary, Arizona: For construction of fence along the international boundary as authorized by the act of August 19, 1935 (49 Stat. 660), \$50,000: *Provided*, That no part of this appropriation shall be expended for the acquisition of lands or easements for sites for boundary fences except for procurement of abstracts or certificates of title, payment of recording fees, and examination of titles.

Mr. HAYDEN. Mr. President, the Senator from Tennessee will remember that I brought this matter to his attention.

Mr. McKELLAR. We will take the amendment to conference.

Mr. HAYDEN. I ask to have printed in the RECORD, as a justification for the appropriation, a letter from the Secretary of State and a copy of the Budget estimate.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter and estimate were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., August 6, 1937.

The Honorable CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: I have received your letter of August 3, 1937, enclosing a letter which you received from Mr. Alfred Paul, Jr., of Paul Spur, Ariz., outlining the unfortunate situation with which businessmen and ranchers are faced because of inadequate fencing facilities along the international boundary at Naco, Douglas, and Nogales, Ariz., at the present time. You ask whether there would be any possibility of securing an emergency estimate to be

included in the pending third deficiency bill for the purpose of remedying this situation.

I am pleased to inform you that the Department is today submitting to the Bureau of the Budget an estimate in the sum of \$94,000, which is the amount estimated by the American Commissioner on the International Boundary Commission, United States and Mexico, to cover the cost of the necessary work in the construction of new fences and the repair of existing ones along the boundary lines between the United States and Mexico at the city of Nogales, where 2 miles of 8-foot chain-link fence is proposed, and at Naco and Douglas, where there is proposed the construction of 2 miles of similar chain-link fence at each town and about 40 miles of cattle fence beginning at a point about 20 miles east of Douglas and extending westward to and about 6 miles beyond Naco.

The enclosure to your communication of August 3 is returned herewith.

Very sincerely yours,

CORDELL HULL.

BOUNDARY FENCE PROJECT, ARIZONA
GENERAL STATEMENT

Section 2 of the act approved August 19, 1935 (Public, No. 286, 74th Cong., 49 Stat. 660), authorizes the Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, to construct and maintain fences, monuments, and other demarcations of the boundary line between the United States and Mexico.

The boundary-fence project in Arizona will consist of the construction of new fences and the repair of existing ones along the boundary line between the United States and Mexico at the following points in the State of Arizona: At the city of Nogales, where 2 miles of 8-foot chain-link fence is proposed, and at Naco and Douglas, where there is proposed the construction of 2 miles of similar chain-link fence at each town and about 40 miles of cattle fence beginning at a point about 20 miles east of Douglas and extending westward to and about 6 miles beyond Waco.

The work will require the clearing of the right-of-way for the fences, the building of the two types of fence by contract, and the engineering and inspection for such construction. The total estimated cost is \$94,000. It is contemplated that construction can be started about September 1, 1937, and could probably be completed early in the calendar year 1938.

The need for fencing along the international boundary in these regions has been evidenced to the Commission during the past several years by various petitions and letters received from ranchers, stock raisers, and other citizens of southern Arizona and from the chambers of commerce of the cities of Nogales, Bisbee, and Douglas. The petitions from the individuals urge in general that a substantial fence be constructed along the border to prevent losses of American cattle which stray into Mexico, and the influx of tick-infested cattle from Mexico. The statements from the chambers of commerce request the building of fences at their respective towns for the purpose of preventing the illegal entry of aliens and the smuggling of contraband goods into the United States. The Commission has on several occasions been informally advised by the Immigration and Naturalization Service and the Bureau of Customs that the erection of fences at these points along the boundary would greatly aid them in the discharge of their duties and the enforcement of the law, and expressing considerable interest in such fence construction as might be undertaken by the appropriate agency.

WORK TO BE ACCOMPLISHED DURING FISCAL YEAR 1938

Early in the fiscal year 1938, plans and specifications covering the construction of the fencing will be developed in the headquarters office of the Commission at El Paso, Tex., bids will be asked for and the contract for the construction awarded. Following this, a field office of the Commission will be established in either Douglas, Naco, or Nogales, Ariz., depending upon which is nearest the site of the contractor's operations, for the time being, and the staking and inspection of the work carried on.

It is estimated that the work will be completed in 6 months from the time construction is actually begun.

PERSONAL SERVICES

The sum of \$6,400 has been set up in the estimate to cover salaries and wages of personnel to be directly employed by the Commission. This personnel will be employed on the required staking out, engineering, inspection, supervision, costkeeping, and clerical work during the construction period.

SUPPLIES AND MATERIALS

It is estimated that \$300 will be required to cover the purchase of supplies and material for the field office, for the engineering and for motor vehicles.

COMMUNICATION SERVICE

The cost of communication service is estimated at \$40 for the 6 months' period and includes the cost of telegrams and telephone rental for the field office.

TRAVEL EXPENSE

Due to the different places where work will be carried on, travel expense will be incurred. The Commission headquarters engineers will also have to make trips of inspection over the work. Two hundred and fifty dollars is estimated to cover the cost of this item.

RENT

Rental of a field office is contemplated as being necessary to the proper conduct of the work. The estimate of \$180 is based on a 6 months' rental charge at \$30 per month.

REPAIRS AND ALTERATIONS

Repairs to motor vehicles and to engineering equipment belonging to the Commission are estimated to cost \$190 during the construction period.

EQUIPMENT

In conducting this project it will be necessary to purchase concrete testing and other small office and engineering equipment which is estimated to cost \$100.

CONSTRUCTION

The amount of \$87,600 is estimated as the cost of the construction which will include contractor's earnings and the cost of materials purchased by the Government including fencing, fence wire, posts, gates, and cement.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. POPE. Mr. President, I see by the report of the committee that the appropriation for the State Department is \$16,608,750. How does that compare with the appropriation for the State Department last year?

Mr. McKELLAR. The appropriation for the State Department last year was \$19,560,713.34.

Mr. POPE. What was the request of the State Department to the Bureau of the Budget for this year?

Mr. McKELLAR. The Budget estimate was \$17,137,970.73, but, as I recall, the State Department was satisfied with the appropriation made by the House, and had no one before the Senate committee, although they were invited to appear if they wanted to suggest any changes.

Mr. POPE. Is \$16,608,750 the amount which appeared in the bill as it came from the House?

Mr. McKELLAR. It seems not to have been changed. But there is a request from the Department of State, which was referred to a few moments ago by the Senator from Nevada [Mr. PITTMAN], that a 10-percent leeway should be given in appropriations, so that the Department could use for another purpose 10 percent of an appropriation which was made for one purpose. That matter is yet to be passed upon.

So far as the amount of money is concerned, I know of no objection that the State Department has to the bill as reported by the committee.

Mr. POPE. Mr. President, does the Senator know where in the main the reductions have come in this year's appropriations as compared with last year's appropriations? What has been cut out or reduced?

Mr. McKELLAR. There are quite a number of reductions. Last year there were many items which do not appear in this year's bill. They are not recurring items, however. They are just items that were appropriated for last year.

Mr. POPE. My curiosity is excited. The War Department will have an increased appropriation this year, as I understand and, of course, the Navy Department will have a very greatly increased appropriation; therefore, I am anxious to know how the Department of State could have reduced its expenses by some \$3,000,000.

Mr. McKELLAR. That was because of the elimination of various items, largely with respect to conventions and commissions, which were not recurring appropriations.

I will say that as chairman of the subcommittee I communicated with the State Department, asking if it had any suggestions to make concerning the appropriation. The Department had no objections, except, as I was told, it was quite anxious that the 10-percent provision included in the House bill should remain. The committee struck that out. The Senator from Nevada has notified us that he is going to bring that up tomorrow.

Mr. BROWN of Michigan. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 19, line 1, it is proposed to strike out "\$588" and insert the following: "\$5,588,

including not to exceed \$5,000, to be immediately available, to enable the United States to participate in the meetings of the said association and of its executive committee, including travel and subsistence, in the calendar year 1938, as authorized by Public Resolution No. 68, Seventy-fifth Congress, approved August 24, 1937."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. BROWN].

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I have no objection to recurring to the item referred to a moment ago; and I move that the vote by which the amendment on page 15, lines 9 to 18, inclusive, was agreed to be reconsidered and that the matter be taken up for discussion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the vote by which the Senate agreed to the committee amendment on page 15, lines 9 to 18, inclusive, be reconsidered.

The motion was agreed to.

Mr. McKELLAR. I may now say to the Senator from Nevada [Mr. PITTMAN] that the committee had the idea that the interchangeable use of 10 percent of appropriations allowed very great latitude in all the departments. Formerly that provision occurred in all department bills. It has now been stricken from them all. A reason exists in the State Department which does not apply to the other departments, and we admit it. However, it is very difficult to distinguish between the several departments, and I should like to hear what the Senator from Nevada has to say about the use that can be made of the 10-percent interchangeable funds when transferred from one item to the other. If the Senator from Nevada has any suggestions about any items of the bill that ought to be increased or with respect to which there ought to be separate provisions, I should like to hear it. I think it would be very much wiser to take action along those lines than to have an interchangeable 10-percent provision.

Mr. PITTMAN. Mr. President, this matter was not fully presented before the Senate committee. It happens that Mr. Carr, who was Assistant Secretary, had charge of these particular matters to be presented to the committees. He was given an appointment as ambassador, and Mr. Messersmith, who was then in the Foreign Service, took Mr. Carr's place in Washington. At that time Mr. Messersmith was unfamiliar with the particular procedure.

Mr. McKELLAR. Mr. President, Mr. Messersmith did not come before the committee at all.

Mr. PITTMAN. Exactly.

Mr. McKELLAR. We wrote a letter to the Secretary of State and asked him if the Department had any objections to the bill, and if anyone representing the Department wanted to appear before the committee, and we were told that no one representing the Department desired to appear. The committee did that of its own volition, because in the bills dealing with every other department and in the independent offices bill this provision had been stricken out. The Senator from Nevada will recall that for many years either 5 or 10 percent has been used interchangeably between various items of appropriation. It is very bad legislation and leads to many difficulties.

Another reason exists for the difference of provisions in legislation with respect to the State Department. It has to contend with differences in the values of exchange. That is the only reason I can think of which would take the State Department out of the general rule. However, I think it would be better if the Senator would suggest an amendment providing for differences in exchange, and in that way take care of what he wants to do.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. Replying to the Senator from Tennessee, I will say that it would be extremely difficult to fix a percentage which would work equitably. I received a letter, and I am sure the Senator from Nevada has also received a similar letter, from Mr. Messersmith, who took Mr. Carr's

place, explaining this whole situation. I did not know that this appropriation bill was coming up this afternoon, therefore I do not have the letter in my desk. I think the Senator would be satisfied with Mr. Messersmith's explanation.

Mr. PITTMAN. Mr. President, I desire to exonerate Mr. Messersmith. As I have said, Mr. Carr, who has always had charge of these matters and who appeared before the various appropriation committees to explain the matters pertaining to the State Department, was transferred to a foreign mission. Mr. Messersmith, who was then abroad, was brought back to the State Department. He did not have a thorough knowledge of how the matter was handled. I know he did not have such knowledge for this reason: Heretofore in connection with matters in which the State Department was interested before the Senate Appropriations Committee the Department has given me a memorandum, because I am an ex-officio member of the committee. The Department did not give me a memorandum this time. A little later on Mr. Messersmith discovered that he should have done so, and that he should have come before the committee. He then wrote me a letter, or memorandum, with regard to this subject, which I have in my desk, similar to the letter received by our leader.

Mr. President, I shall state the situation briefly. When the Japanese-Chinese situation arose, it suddenly became necessary to remove a great many of our citizens from China. That expense comes under the head of transportation. There was a certain sum provided for transportation. That particular matter as to China has probably been taken care of. Senators will find under the item entitled "Foreign Inter-course" that various sums are provided for the transportation, for instance, of our consular officers and their families and their furniture. That is an indefinite amount. The Department generally tries to estimate the amount to be covered. But if in some other country there should arise a condition similar to the one that arose in China, or if a difficult situation should become exaggerated in some country, the transportation costs of the State Department would be enormously increased and beyond estimate.

What the Department desires to do, for example, is to take part of the fund provided for transportation costs for the consular service and part of the fund provided for transportation costs for another service, and make use of the money temporarily to meet an emergency. The money really comes from the estimated transportation cost of civil officers and of consular officers, ambassadors, and their families. The Department can make use of such funds to meet certain emergencies.

Mr. McKELLAR. Mr. President, if the Senator will look on page 10 he will find that there is an appropriation in line 18:

Representation allowances, Foreign Service: For representation allowances as authorized by the act approved February 23, 1931, \$125,000.

That fund is allowed for contingencies of various kinds. It seemed to me, as it seemed to the committee, that it would be better to increase that fund than to adopt the rather unjustifiable means of allowing appropriations to be changed 10 percent of their amount.

There is no doubt that the State Department is one of the most economical departments of the Government, if not the most economical. We spend only a little over \$16,000,000 for the entire State Department, and I think every Senator will say that is an exceedingly modest sum to be spent in the foreign service of the Government. The Department of Commerce spends a great deal more, as do other departments. I have nothing but the highest praise for the modesty of the State Department in its requests for appropriations. I believe it would be better to provide a general sum, something like the sum which is fixed in line 20, on page 10, than to make the 10-percent allowance. However, if the Senator prefers the 10-percent allowance, I shall not oppose it.

Mr. PITTMAN. Let me say to the Senator that very probably he is right. However, in the present state of world af-

fairs, we witnessed a condition in China which required the State Department to transport an unknown number of persons. We had to do it, and we may have to do it again. Even if we transferred the 10 percent, it would probably amount to only—

Mr. McKELLAR. One hundred and sixty thousand dollars at the outside.

Mr. PITTMAN. The Senator is probably correct.

Mr. McKELLAR. I believe the allowance of an emergency fund of \$125,000 would be better. The Senator may take his choice.

Mr. PITTMAN. I think it would be better to have a different arrangement the next time; but, in order not to delay the passage of the bill by offering a new amendment, I shall agree to the suggestion of the Senator. However, I shall bring the matter to the attention of the State Department with a view to a different arrangement in the future.

Mr. McKELLAR. Mr. President, with that understanding, I am willing that the amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 15.

The amendment was rejected.

Mr. McKELLAR. Mr. President, as I understand, that concludes the committee amendments. I understand the bill is not to be voted upon this afternoon, however, inasmuch as the Senator from Utah [Mr. KING] has an amendment to offer.

Mr. COPELAND. Mr. President, I call the attention of the Senator to page 70, line 3. If the figure is left at \$87,880 instead of \$120,000, as requested by the Bureau, which adds nothing to the total of the bill, a number of employees who are now working in Washington will have to go to New York City. I readily admit that New York is a very desirable place in which to live, but the Bureau is quite disturbed over the matter.

Mr. McKELLAR. Mr. President, we gave the Bureau exactly what they asked. They ought not to be disturbed.

Mr. COPELAND. No, Mr. President. The Bureau asked for \$120,000 at that point instead of \$87,880.

Mr. McKELLAR. They had \$120,000 last year.

Mr. COPELAND. Yes; and that is what they wanted this year.

Mr. McKELLAR. They did not ask for it this year.

Mr. COPELAND. They have talked to me about it. Did the bill come from the House in the present form?

Mr. McKELLAR. Yes.

Mr. COPELAND. I suggest that the item go to conference, because if the circumstances are as recited to me, it ought to go to conference. The amount requested, \$120,000, does not change the total.

Mr. McKELLAR. Very well. I will take the item to conference, but I cannot give any further assurances to the Senator.

Mr. COPELAND. I move that the figure of \$87,880, on page 70, line 3, be changed to \$120,000. That amendment will not change the total of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 70, line 3, after the words "not to exceed", it is proposed to strike out "\$87,880" and insert "\$120,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, the Senator from Utah [Mr. KING] was promised that the bill would not be passed tonight. He has an amendment which he desires to offer in the morning. For that reason I yield the floor to the Senator from Kentucky.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HATCH in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. McNARY, from the Committee on the Judiciary, reported favorably the nomination of John T. Summerville, of Oregon, to be United States marshal for the district of Oregon.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar, with the exception of the one passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. WALSH. I ask that the nominations for promotions in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations for promotions in the Navy are confirmed en bloc.

That concludes the calendar.

DEPARTMENT OF THE INTERIOR—FIRST ASSISTANT SECRETARY

Mr. BARKLEY. Mr. President, for some time the nomination of Mr. Ebert K. Burlew as First Assistant Secretary of the Interior has been on the Executive Calendar. I should like to have some understanding as to when we may take up the nomination and dispose of it.

Mr. PITTMAN. Mr. President, I know that the Senator from Colorado [Mr. ADAMS] is anxious to dispose of the nomination, and so am I. Other matters have prevented earlier consideration of it. Tomorrow there is to be a meeting of the Foreign Relations Committee and a hearing is scheduled. I do not know how long the hearing will take. I hope we shall be able to finish it tomorrow. I should be willing to take up the Burlew nomination after tomorrow at any time which is convenient to the leader and to the Senator from Colorado.

Mr. BARKLEY. I had hoped we might take up the Burlew nomination tomorrow, because the pending appropriation bill will be disposed of within a few minutes after we meet tomorrow.

Mr. McKELLAR. I think the appropriation bill will take not over 10 minutes.

Mr. BARKLEY. The only other appropriation bill ready is the naval appropriation bill, which probably will take a day or more. I thought if we could dispose of the Burlew nomination tomorrow, we could dispose of the naval bill the next day.

Mr. ADAMS. Mr. President, it is agreeable to me to take up the Burlew nomination at any time which suits the convenience of the Senator from Nevada.

Mr. PITTMAN. It would be very much more convenient for me not to take it up tomorrow.

Mr. BARKLEY. Let us have a general understanding then that the Senate will go into executive session on Wednesday as soon as it convenes and remain in executive session until the Burlew nomination is disposed of. Tomorrow we can take up other matters.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 29, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 28 (legislative day of January 5), 1938

DIPLOMATIC AND FOREIGN SERVICE

Howard K. Travers, of New York, now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

PROMOTIONS IN THE COAST GUARD OF THE UNITED STATES

(To rank as such from February 15, 1938)

BOATSWAINS TO BE CHIEF BOATSWAINS

James M. Vincent	Charles T. Cowan
Arthur H. Hylton	Samuel D. La Roue
Howard A. White	James M. Barrett
George H. Jacobsen	Frank Paul
Martin Christensen	Ernest A. Simpson
Johan A. Johanson	Attilio E. Del Pra
William C. Gill	Almond L. Cunningham
John H. Davies	Fred P. Stone
Augustus F. Pittman	Gerret B. Lok
Thomas G. Woolard	Malvern L. Hudgins
Lance J. Kirstine	Arendt E. Michaelsen
Benton L. Bassham	William J. Mazzoni
Charles E. Swanson	William H. Moulton
Ray E. Parker	John L. Olsen
Francis S. Garretson	William E. Paulsen
Stacy Y. Hammond	Stanley C. Crandall
Addison P. Lewis	Reginald W. Butcher
John F. Ryan	Joseph H. Hantman
Albert Van De Venter	Frank Rados
Leo P. Toolin	Carl S. Studley
Harald O. Nielsen	David E. Green
Theodore F. Stair	Walter C. Bethea
Philip N. Shannon	Karl Schmidt
Albert J. Brown	Rolf Thorsen
Eugene Kiernan	Robert I. Hudson
Ralph H. Leek	Alfred M. Haynes
Louis O. Engell	Hugh V. Hopkins
Michael J. Bruce	Mudge A. Ransom
Rudolf A. Anderson	Frank C. Herold
Norman H. Church	Arthur J. Craig
Alfred W. Powell	

BOATSWAINS (L) TO BE CHIEF BOATSWAINS (L)

Herman Winbeck	Hilman J. Persson
Freddie G. Gillikin	Truxton E. Midgett
Thomas J. Barnes	George H. Meekins
John W. Hudson	Henry N. Holmes
Hubert B. Tuttle	David M. Small
Everett J. Clemons	John T. Dukes
Thomas E. Deegan	Daniel Magnussen
Charles M. Berry	George B. Nickerson
Otto W. Fricke	John J. Daly
Everett M. Mills	David A. Furst
Willie H. Lewark	Emanuel F. Gracie
Bernice R. Ballance	Fred C. Sollman
William H. Barnett	Carroll A. Osborne
Alvin H. Wright	Edgar F. Sanborn
Charles A. Mister	Wilfred Pantzer
Thomas T. Moore	Allen E. Holst
Harry W. Steele	Francis E. Barnett
Maurice G. McCune	Bryan Spencer
Ira B. Norton	Edwin B. York
Mason B. McCune	Isaac L. Hammond
Fred D. Straubel	Harry E. Johnson
Robert Anderson	Charlie O. Gray

Henry R. Rogers
Harry M. Derrickson
John N. Buckley

Garwood J. Thomas
Joseph G. Brown
Garner J. Churchill

GUNNERS TO BE CHIEF GUNNERS

Frank W. Sarnow	Raymond J. Hegarty
Chester J. Valdrow	Charles N. Hubbard
Edwin T. Piner	Francis A. Prince
Lawrence J. Shea	Ellis F. Gradin
John H. Cumalat	Herbert S. Harris

RADIO ELECTRICIANS TO BE CHIEF RADIO ELECTRICIANS

Robert W. Finley	Irl V. Beall
Frank W. Wortman	Marion G. Shrode
Arthur P. Arlington	Henry M. Anthony
Earl S. Burns	Cloyd C. Lantz
Dock G. Clementson	Joseph E. Coker
George M. Gallagher	John Brown
Joseph P. Guy	Paul M. Wakeman
Oiva M. Helgren	Merl H. Dunbar

MACHINISTS TO BE CHIEF MACHINISTS

Zina R. Shoen	Arvid E. Wikander
Oscar Salter	Gabriel Dobo, Jr.
William L. LaRoue	Thomas E. McCready
Anderson L. McGee	Charles P. Moffett
Carlton V. Legg	Emil E. Stienback
John N. C. Hunt	Gustave W. Pearson
Alfred J. K. Wallace	Walter A. Reynolds
Wallace G. Dagnin	George Karl
George E. Alston	Albert Kenney
Richard E. Hale	Clyde D. Goodwin
Frank D. Crooks	Howard C. Watts
David Parker	Harry A. Oest
Walter Robbins	Albert C. Arnold
Lewis L. Whittemore	James A. Haynes
James B. Macy	Sidney A. Usher
Frank McDonald	George A. Painter
Rolfe D. Hallencrutz	Axel L. Nordstrand
William McCauley, Jr.	Eugene A. Guenet
Joseph J. DeCarlo	Walter G. Davis
Walter Pfeiffer	Hugh D. Olmstead
Joseph R. Fredette	Charles H. Harris

ELECTRICIANS TO BE CHIEF ELECTRICIANS

Frank R. Pitt	Joseph R. Mansfield
Claiborne M. Talley	Herbert L. Scales
Harold B. Doten	William A. Ronning

CARPENTERS TO BE CHIEF CARPENTERS

Nestor Brunila	William Hillenius
William O. Weaver	Alexander H. Lansing
William L. Dean	George F. Erwin

PAY CLERKS TO BE CHIEF PAY CLERKS

Edson E. Miller	Paul N. Wright, Jr.
William W. McKellar	Francis P. Bergmeister
Michael J. Morgan	Walker McM. Stephens
Paul E. Clement	Andrew E. Zanetti
Leo T. Robbins	William K. Kehoe
Ira L. Peck	William H. Carroll
James Morrison	Arnot Groves
Oliver F. McCloy	Cecil C. Humphreys
Paul L. Sullivan	James Blake
David L. Brown	Lewis Rice
David B. Sollenberger	Virgil L. McLean
Lester L. Louis	James W. Davis
Thomas P. Cherberg	Clarence E. Bogen
Gustaf A. Nordling	Cartie L. Herndon
Everett E. Jackson	Elmer O. Hannaford
Floyd B. Cottrell	Jacob Levin
Ralph J. Calvert	Elliott F. Lowrie
Meyer Robbins	Henry E. Solomon
Alexander Smith	Carl W. Warmker
Russell A. Carroll	

PHARMACISTS TO BE CHIEF PHARMACISTS

Max H. Lanke	David G. Higgins
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APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

TO BE MAJORS

Capt. Kenneth Campbell McGregor from March 23, 1938.
Capt. Roland Birn, vice Maj. Romeyn B. Hough, jr., Air Corps, nominated and confirmed for appointment as temporary lieutenant colonel, Air Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Lester Smith Ostrander, Infantry, with rank from August 1, 1935.

TO ORDNANCE DEPARTMENT

First Lt. William Lewis McCulla, Coast Artillery Corps, with rank from October 1, 1934.

First Lt. Frederick Raleigh Young, Coast Artillery Corps, with rank from August 1, 1935.

PROMOTION IN THE REGULAR ARMY

TO BE MAJOR

Capt. Edwin Forrest Carey, Air Corps (temporary major, Air Corps), from March 21, 1938, subject to examination required by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 28 (legislative day of January 5), 1938

PROMOTIONS IN THE NAVY

William F. Halsey, Jr., to be rear admiral.
Albert F. France, Jr., to be commander.
Julian D. Wilson to be commander.
Henry Y. McCown to be commander.
Edward C. Forsyth to be lieutenant commander.
Robert W. Bedillion to be lieutenant commander.
Charles C. Phleger to be lieutenant commander.
Calvin A. Walker, Jr., to be lieutenant.
James E. Stevens to be lieutenant.
John H. Ward, Jr., to be passed assistant surgeon.
Ralph M. McComas to be passed assistant surgeon.
Hobart T. McCrary to be chief machinist.
Michael J. Hurley to be chief machinist.
Samuel B. Neff to be chief machinist.
Stephen Sekeres to be chief machinist.
John J. O'Dea to be chief machinist.
Paul C. Cottrell to be chief machinist.
James H. Miller to be chief machinist.
Robert H. Lynn to be chief machinist.
Samuel C. Herrington to be chief machinist.
Oscar D. Keeling to be chief pharmacist.
George A. Miller to be chief pharmacist.
Oscar Schneider to be passed assistant surgeon.

POSTMASTERS

COLORADO

Roy Staley, Arvada.
Joseph B. Sella, Estes Park.
John F. Redman, Greeley.
Thomas H. Hargreaves, Holyoke.
Nicholas C. Huffaker, Hot Sulphur Springs.
Robert E. McCunniff, La Jara.
Frank Brady, Manassa.
William B. Giacomini, Sterling.
Oren E. Stallings, Yuma.

CONNECTICUT

Paul F. Sherran, Darien.

MARYLAND

Bushrod P. Nash, Brentwood.
Frank Vodopivec, Jr., Kitzmiller.
Ralph Sellman, Mount Airy.
Charles L. Connell, Western Port.
Charles W. Klee, Westminster.

MISSISSIPPI

Harry L. Callicott, Coldwater.
Finley B. Hewes, Gulfport.
Johnnie L. Posey, Philadelphia.
Leroy N. Mixon, Shubuta.
Walter L. Collins, Union.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 28, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, we wait these moments to offer Thee our tributes of praise and gratitude. Great is the Lord and greatly to be praised in the mount of His holiness. Teach us the gladness of a life responsible to Thy message through nature. The heavens declare the glory of God and the firmament showeth His handiwork. We pray that we may be enabled to enter into sympathetic relation with the garden, the field, woodland, and the glory of the outstretched heavens. For these, O God, we voice our gratitude. Today they are as new as the book of life; by these we are befriended, soothed, and nourished; Thy mercy never faileth. Unite our people in the common bonds of patriotic duty; may they love our country as never before. Infinite God, from yonder world we hear the sounds of chains and the moaning of Thy captive children. Unled, they are struggling in the wilderness. Thou who art the light of the world, dispel the darkness, break the chains, and set the captives free. May the loving care of Thy providence be round about our President, our Speaker, and the Congress, and give us great peace. In the name of our Savior. Amen.

The Journal of the proceedings of Friday, March 25, 1938, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 520. An act for the relief of the estate of Nick Gruyich;
H. R. 592. An act for the relief of E. A. Caylor;
H. R. 726. An act for the relief of the estate of Dessie Masterson;
H. R. 734. An act for the relief of Joseph Pethersky;
H. R. 842. An act for the relief of Theodore Bedard, Jr.;
H. R. 1233. An act for the relief of employees of the Indian Service for destruction by fire of personally owned property in Government quarters at the Pierre Indian School, South Dakota;
H. R. 1547. An act to amend section 42 of the act of Congress entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended;
H. R. 1691. An act for the relief of Mary A. Maher;
H. R. 2225. An act for the relief of Paul Burrese;
H. R. 2316. An act for the relief of Paul Brinza;
H. R. 2841. An act for the relief of Mr. and Mrs. Virgil O. Powell and William Powell, a minor;
H. R. 3204. An act for the relief of F. E. Booth Co.;
H. R. 3253. An act for the relief of John Fitzgerald and J. R. Harper;
H. R. 3703. An act for the relief of Carl J. Scheier;
H. R. 3706. An act for the relief of Ella Goodwin;
H. R. 3723. An act for the relief of Milton S. Merrill;
H. R. 3757. An act for the relief of Rellie Dodgen and Anah Webb Lavery;
H. R. 3786. An act providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming;

H. R. 4620. An act for the relief of William R. Herrick;
 H. R. 4138. An act for the relief of George Miller, Jr., a minor;
 H. R. 4201. An act to create a board of inspectors, Bureau of Marine Inspection and Navigation, at Port Arthur, Tex.;
 H. R. 4370. An act for the relief of Tule Finkelstein;
 H. R. 4427. An act for the relief of Merritt Rea;
 H. R. 4493. An act for the relief of Charles N. Robinson;
 H. R. 4921. An act for the relief of Hugh Ray;
 H. R. 5104. An act for the relief of the Acme Wire and Iron Works;
 H. R. 5149. An act for the relief of John M. Fraley;
 H. R. 5195. An act for the relief of G. F. Flanders and J. W. Talbert;
 H. R. 5249. An act for the relief of Lydia M. White;
 H. R. 5431. An act for the relief of Cyrus M. Lasher;
 H. R. 5449. An act for the relief of Harold Jacobson;
 H. R. 5562. An act for the relief of James Scherer, a minor;
 H. R. 5603. An act for the relief of Peter Sietsma;
 H. R. 5608. An act for the relief of Edward F. Cassidy;
 H. R. 5753. An act to authorize advance of the amounts due on delinquent homestead entries on certain Indian reservations;
 H. R. 5793. An act for the relief of Josephine Fontana;
 H. R. 5905. An act for the relief of Doris A. Reese;
 H. R. 5921. An act for the relief of the Board of County Commissioners of St. Johns County, Fla.;
 H. R. 6238. An act for the relief of J. C. Prosser;
 H. R. 6257. An act for the relief of Dr. G. A. Neal;
 H. R. 6397. An act for the relief of John W. Watson;
 H. R. 6471. An act for the relief of Ralph J. Neikirk;
 H. R. 6473. An act for the relief of Paul H. Brinson;
 H. R. 6574. An act for the relief of E. W. Ross;
 H. R. 6647. An act for the relief of B. W. Goodenough and wife, Katherine F. Goodenough, and son, Charles Goodenough;
 H. R. 6648. An act for the relief of J. H. Yelton;
 H. R. 6668. An act for the relief of Robert Landeau, a minor;
 H. R. 6826. An act for the relief of Robert McCoy, a minor;
 H. R. 6844. An act for the relief of Mattie L. Carver;
 H. R. 6889. An act for the relief of Lynn E. Barker;
 H. R. 6981. An act for the relief of Frank M. Gilbert;
 H. R. 6993. An act for the relief of L. H. Dicke;
 H. R. 6999. An act for the relief of Artemisia Grant;
 H. R. 7158. An act to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended;
 H. R. 7173. An act for the relief of G. D. Thornhill and James T. Rogers;
 H. R. 7245. An act for the relief of J. C. Jones;
 H. R. 7266. An act authorizing the State of Rhode Island, acting by and through the Jamestown Bridge Commission as an agency of the State, to construct, maintain, and operate a toll bridge across the west passage of Narragansett Bay between the towns of Jamestown and North Kingstown;
 H. R. 7277. An act to amend an act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States," approved September 3, 1935;
 H. R. 7678. An act for the relief of Carl Dement Weaver and Donald W. Supernois;
 H. R. 7679. An act for the relief of Livvie V. Rowe;
 H. R. 7948. An act providing for the promotion of employees in the customs field service;
 H. R. 8021. An act for the relief of Mrs. George Orr;
 H. R. 8236. An act authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes;
 H. R. 8409. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.;

H. R. 8460. An act to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash.;
 H. R. 8623. An act authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn.;
 H. R. 8817. An act to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241);
 H. R. 8982. An act to amend Public Law No. 282, Seventy-fifth Congress, relative to the fisheries of Alaska;
 H. R. 9100. An act limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia;
 H. J. Res. 504. Joint resolution to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes; and
 H. J. Res. 567. Joint resolution to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that congress.
 The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:
 H. R. 1948. An act conferring jurisdiction upon the United States District Court for the District of Massachusetts to hear, determine, and render judgment upon the claims of certain property owners within the Old Harbor Village area of Boston, Mass.;
 H. R. 2191. An act for the relief of Roberta Carr;
 H. R. 2362. An act for the relief of Henry M. Hyer;
 H. R. 2665. An act for the relief of W. D. Presley;
 H. R. 3915. An act conferring jurisdiction upon the United States District Court for the Eastern District of Virginia to hear, determine, and render judgment upon the claim of the Tidewater Construction Corporation;
 H. R. 5338. An act for the relief of George Shade and Vava Shade;
 H. R. 5731. An act for the relief of Ruth Rule, a minor;
 H. R. 5737. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of George W. Hall against the United States;
 H. R. 6370. An act for the relief of John Calareso, a minor;
 H. R. 6618. An act for the relief of Miriam Grant;
 H. R. 8524. An act authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex.; and
 H. J. Res. 150. Joint resolution to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes.
 The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:
 S. 183. An act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Little Missouri River;
 S. 531. An act to provide compensation for disability or death resulting from injury to employees of contractors on public buildings and public works;
 S. 865. An act for the relief of Alceo Govoni;
 S. 866. An act for the relief of the estate of James D. McEachern;
 S. 1220. An act for the relief of Josephine Russell;
 S. 1340. An act for the relief of A. D. Weikert;

- S. 1701. An act for the relief of E. C. Beaver, who suffered loss on account of the Lawton (Okla.) fire, 1917;
- S. 1788. An act for the relief of William J. Schwarze;
- S. 1878. An act for the relief of Mary Way;
- S. 1987. An act for the relief of George J. Leatherwood;
- S. 2009. An act to authorize the payment of certain obligations, contracted by the Perry's Victory Memorial Commission;
- S. 2023. An act for the relief of Charles A. Rife;
- S. 2051. An act for the relief of John F. Fitzgerald;
- S. 2382. An act to amend the Judicial Code in respect to claims against the United States for just compensation;
- S. 2413. An act for the relief of the Boston City Hospital, Dr. Donald Munro, and others;
- S. 2505. An act for the relief of James J. Hogan;
- S. 2532. An act for the relief of Mrs. G. R. Syth;
- S. 2553. An act for the relief of E. E. Tillett;
- S. 2566. An act for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans.;
- S. 2576. An act providing for the adjustment on the retired list of the Coast Guard of William Edward Reynolds;
- S. 2643. An act for the relief of Mr. and Mrs. James Crawford;
- S. 2655. An act for the relief of Lt. T. L. Bartlett;
- S. 2709. An act for the relief of Mr. and Mrs. Joseph Konderish;
- S. 2739. An act for the relief of Virgil D. Alden and others;
- S. 2742. An act for the relief of Mrs. C. Doorn;
- S. 2770. An act for the relief of Elizabeth F. Quinn and Sarah Ferguson;
- S. 2798. An act for the relief of Edith Jennings and the legal guardian of Patsy Ruth Jennings;
- S. 2799. An act for the relief of George Marsh;
- S. 2802. An act for the relief of the legal guardian of Carl Orr, a minor;
- S. 2827. An act to authorize the purchase of certain lands for the Apache Tribe of the Mescalero Reservation, N. Mex.;
- S. 2870. An act for the relief of Margaret Turney and Bertha Turney LaMotte, heirs of Theresa Turney;
- S. 2876. An act for the relief of Mark H. Doty;
- S. 2883. An act for the relief of George H. Lowe, Jr.;
- S. 2890. An act for the relief of the parents of Clarence Daniel;
- S. 2895. An act for the relief of Leona Draeger;
- S. 2900. An act to establish a fund for the insurance of mortgages securing loans for the construction or reconditioning of domestic floating property used for commercial purposes;
- S. 2920. An act for the relief of J. Harry Walker;
- S. 2956. An act for the relief of Orville D. Davis;
- S. 2966. An act authorizing the Comptroller General to settle and adjust the claim of H. W. Adelberger, Jr.;
- S. 2979. An act for the relief of Glenn Morrow;
- S. 2985. An act for the relief of John F. Fahey, United States Marine Corps, retired;
- S. 2986. An act to amend section 6 of the act approved May 27, 1936 (49 U. S. Stat. L. 1380);
- S. 3002. An act to authorize the Secretary of the Treasury to make settlement with the holders of certain unpaid notes and warrants of the Verde River Irrigation and Power District;
- S. 3052. An act to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes;
- S. 3056. An act for the relief of Dorothy Anne Walker, a minor;
- S. 3057. An act for the relief of John Fanning;
- S. 3063. An act for the relief of Maria Bartolo;
- S. 3064. An act for the relief of George Henry Levins;
- S. 3079. An act for the relief of George W. Breckenridge;
- S. 3081. An act authorizing the Secretary of Commerce to grant to the city of Fargo, N. Dak., an easement over a certain tract of land owned by the United States;
- S. 3095. An act authorizing the Secretary of War to grant to the Coos County Court of Coquille, Oreg., and the State of Oregon an easement with respect to certain lands for highway purposes;
- S. 3096. An act to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States;
- S. 3102. An act for the relief of the estate of Raquel Franco;
- S. 3103. An act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama;
- S. 3111. An act for the relief of the estate of Lillie Liston and Mr. and Mrs. B. W. Trent;
- S. 3126. An act authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes;
- S. 3130. An act for the relief of W. O. West;
- S. 3144. An act for the relief of Harry Hume Ainsworth;
- S. 3147. An act for the relief of Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy;
- S. 3149. An act authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the Delaware River between points in the city of Port Jervis, Orange County, N. Y., and the borough of Matamoras, Pike County, Pa.;
- S. 3150. An act for the relief of Ernest S. Frazier;
- S. 3160. An act to provide for the exchange of land in the Territory of Alaska;
- S. 3166. An act to amend section 2139 of the Revised Statutes, as amended;
- S. 3189. An act for the relief of Earle Embrey;
- S. 3207. An act authorizing the Comptroller General to settle and adjust the joint claim of the Federal Land Bank of Berkeley, Calif., and A. E. Colby;
- S. 3213. An act to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg." approved June 13, 1934, as amended;
- S. 3215. An act for the relief of Griffith L. Owens;
- S. 3220. An act to authorize the Secretary of the Treasury to transfer the title and all other interests in the old tower clock from the Escambia County Courthouse Building, acquired by the Government by deed, to the Pensacola Historical Society of Pensacola, Escambia County, Fla.;
- S. 3227. An act for the relief of Mr. and Mrs. Chester A. Smith;
- S. 3242. An act to aid in providing a permanent mooring for the battleship *Oregon*;
- S. 3263. An act for the relief of the State of Georgia;
- S. 3272. An act to clarify the status of pay and allowances under the provisions of the act of September 3, 1919;
- S. 3300. An act for the relief of Pearl Bundy;
- S. 3304. An act to promote air commerce by providing for the closing of Military Road;
- S. 3330. An act to amend section 3 of the act of May 27, 1936 (49 Stat. 1381), entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes";
- S. 3351. An act to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes;
- S. 3352. An act for the relief of W. Cooke;
- S. 3365. An act for the relief of Joseph D. Schoolfield;
- S. 3400. An act to extend from June 16, 1938, to June 16, 1939, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended;
- S. 3410. An act for the relief of Miles A. Barclay;
- S. 3459. An act to authorize the Secretary of War to acquire by donation land at or near Fort Missoula, Mont., for target range, military, or other public purposes;

S. 3464. An act to extend the Metlakatla Indians' Citizenship Act;

S. 3512. An act for the relief of Elizabeth Cory;

S. 3532. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

S. 3543. An act authorizing the Comptroller General of the United States to settle and adjust the claim of Earle Lindsey;

S. 3573. An act for the relief of William J. Pitochelli;

S. 3584. An act for the relief of G. E. Maxwell;

S. 3590. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, so as to make available certain other officers for General Staff duty;

S. 3629. An act to authorize attendance of Philippine Army personnel at service schools of the United States Army;

S. J. Res. 201. Joint resolution for the relief of certain persons conducting farming operations whose crops were destroyed by hailstorms;

S. J. Res. 247. Joint resolution authorizing William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, to accept and wear decoration of the Order of Orange Nassau, bestowed by the Government of the Netherlands;

S. J. Res. 253. Joint resolution extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator;

S. J. Res. 256. Joint resolution to amend the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937;

S. J. Res. 269. Joint resolution to authorize the Postmaster General to withhold the awarding of contracts for a period of 60 days; and

S. J. Res. 277. Joint resolution creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9915. An act to amend the Agricultural Adjustment Act of 1938, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House thereon, and appoints Mr. SMITH, Mr. BANKHEAD, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the following departments: The Department of Agriculture, Civil Service Commission, the Panama Canal, Home Owners' Loan Corporation.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on March 28, 1938, the President approved and signed a bill and a joint resolution of the House of the following titles:

H. R. 8947. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes; and

H. J. Res. 468. Joint resolution to dedicate the month of April in each year to a voluntary national program for the control of cancer.

PERMISSION TO ADDRESS THE HOUSE

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE PRIVATE CONTROL OF PUBLIC CURRENCY—THE INVENTION AND USE OF MONEY

Mr. GRAY of Indiana. Mr. Speaker and fellow Members of Congress, I have planned and prepared this series of radio addresses to reach you in your homes for more deliberate consideration of what I believe is the most vital problem that has come before us, this Congress, or which will come before us, this Congress.

We are again in the midst of still another economic depression. The world panic brought upon the nations following the great World War has left the people writhing in want, suffering, and distress, and to give up their liberties and forms of government for a mess of pottage of temporary relief.

If recovery from this and the 1929 depression is allowed to be prolonged or further delayed, we will be threatened in this country with the same calamities and disasters. If the people are left suffering and in distress, with nothing to lose and everything to gain, we cannot predict the fate of the future.

From my study of current history and the economic conditions of the times I am impressed with the imperative necessity of the immediate consideration of some measure for relief and to remove the cause, and upon which prompt action can be taken and carried into effect before adjournment.

This reform in the control of money and industry is certain to come sooner or later. The only uncertainty is the time of its coming—is whether in time to save the people from insolvency, bankruptcy, and despair, or will it be postponed further and delayed and left to undermine our institutions of peace and civil life.

This is no time for sparring among politicians in Congress or elsewhere in the country, in dealing with this and the 1929 panics, for political hedging for advantages. This is a time for calm, deliberate consideration of the cause of depressions and the remedy, promptly without hesitation or delay.

First, the problem, the major problem, is the problem of the regulation of money, of the private or public control of the currency, the control by private interests or the Government, and I wish first to call your attention to some of the vital and important uses of money in the conduct of our industrial affairs.

It was early in the dawn of human history when man first awoke, conscious of his being, that he was made to realize the advantages of working together with his fellow man. And Mother Necessity, ever mindful and watchful of the interests and welfare of her children, invented money to work out their destiny together.

And it was the progressive impulse of the resourceful human mind that developed the crude money materials from commodities in barter and exchange, into tokens and symbols of value, making goods and the services of men conveniently convertible into other goods and services and facilitating their transfer for exchange.

It was the invention and use of money that made possible our civilization and paved the way for human progress, and the flickering lights, flaring up along the pathway of men groping through the shadows of the early morning twilight of human history, have marked the periods of the use of money.

It was the lights of money fading out with the failure and disappearing supply of gold and silver, then the only money materials, that left the people groping in the dark ages until the discovery of gold and silver in the New World, and the invention of paper money as a medium of exchange, lifted the shadows of that long night, for the returning footsteps of human progress.

Money is as vital to industry and civilization as light, air, or water to the body. A partial failure or interference of the supply of light, air, or water, would impair and disorder the body, and a part failure or interference with the free flow of the money supply will impair, slow down, and disorganize the conduct of industry and the forms of civilization.

With a total failure of the supply of light, air, or water, the body would dwarf and perish. And so, with a total failure of the supply of money, civilization and industry would fall, crumble, and decay, and men would be driven back to the caves to clothe themselves with the skins of animals and to live again their crude and primitive lives.

Money is the basis of all social relations, of the institutions of peace and civil life, and all the charities that soothe and heal and bless, and all the orders of civilization itself would languish, fail, dwarf, and disappear if money in all its forms for exchange was destroyed, withheld, or withdrawn from use.

Money is the one invention of man which lifted him above mere animal existence, and made his progress and advancement possible, and opened the way for him to progress further in his march to the higher planes and goals of our present exalted civilization.

Looking back, down, and through the fading shadows of the morning twilight of human history, we see men moving in the flickering lights of the crude forms of primitive money, coming up from their benighted state to the higher planes of human life gradually with the development of money.

Industry is men working together, producing as experts together, performing services as specialists together, and exchanging their services or what they produce for other services and what others produce, and all together as specialists and experts multiplying production and efficiency in service for the greater well-being of all.

Industry is men working together, moving along in harmonious undertaking, each producing for all or some part, and each taking or sharing his part, and which marks the difference in the social state of civilization and human progress, from squalid life and bare existence.

Money alone made industry possible, made possible for men to work together. Industry is built upon and founded upon the use of money for exchange of services and commodities. No industry could exist or progress without money. Without money, all industry would stop, stand still. Men would be compelled to separate and work alone and go back to the caves from whence they came.

A want, scarcity, or partial failure of money, or an insufficient volume of supply of money for the exchange of products and services for men will stagnate and slow down and disorganize industry, which we call a panic or an industrial depression, followed with unemployment and failure of consumption and with want and suffering in the midst of plenty and abundance.

But a total failure of the supply of money would completely disorganize and destroy all industry, would make it impossible for men to work together, would close down every factory, mill, and workshop, would drive men out of their homes to go back and peer out from the caves of the earth, wearing skins of animals for clothing.

Before the invention of money men were compelled to produce and provide for all their own needs, each for himself. They could not specialize as experts in any one line of serv-

ice or production and obtain their own needs from other men nor supply other men with their services or products.

They were compelled to produce each and every article for themselves which they needed and required to use and to perform for themselves every service necessary for them to live. They were forced to be jacks-of-all-trades and could be master of none. They could not specialize to become skilled or proficient in any one art, trade, line, or calling.

In this way they could make little or no progress or advancement. They could only provide enough to exist. Compelled to divide their time and labor in producing many articles or performing different services, they could not develop skill in any production nor become proficient in any one line of service.

Thus, each compelled to provide every article and service, men could live little better than some of the animals which store up their food in season and find caves for their shelter from the elements. With men compelled to work separately and provide for themselves every necessity and service with his own hands and labor human progress would have been impossible or long delayed.

There could be no skilled carpenters or masons to build the houses for comfort and shelter; there could be no skilled weavers of cloth to cover and protect the body from the elements. There could be no men to devote themselves to medicine and surgery to remedy bodily ills, disorders, and disease, nor to develop the uplifting sciences and the arts.

There could be no men to specialize as dentists to care for the teeth; there could be no men to prepare themselves as educators to impart knowledge of the world and the forces around and about them; there could be no men to study as astronomers to take their bearings in the realms of space.

Men could not have worked together, each specializing as an expert to become skilled and proficient in any certain line, trade, calling, or endeavor to enable them to provide more and better of all the comforts and conveniences of life. They could not have performed services and produced together. They could not have worked together in a system of industry.

Men would have gone on competing with the animals about them, overcoming them and wearing their skins, overcoming them and driving them out of the caves and making their dens their homes; overcoming them and living off of their flesh, or taking the natural foods away from them, much as one superior or stronger animal overcomes another.

Men could not work together as specialists and experts to become skilled and proficient in any one certain line, trade, calling, or endeavor to enable them to provide more and better of all the necessities, comforts, and conveniences of life. They could not provide skilled services or superior products, they could not work together in a system of industry.

There could have been no system of free, competitive industry under which men as individuals could have developed from their own initiative, could progress as free moral agents, could be architects of their own fortunes, could live their own lives and make their own world around them.

It was alone the invention and use of money as a means or medium of exchange which enabled men to exchange their services and what they produced for other services and what others produced, and thereby enabling each to avail himself of both the use of his own services, and the services and products of other men as well.

It was the invention of money alone that brought about the change of man, that made it possible for men to specialize as skilled experts in different lines, trades, and callings, enabling men to provide more and better of all the necessities, comforts, and conveniences of life.

It was alone the invention of money that enabled men to work together under a specialized working system, with men devoting themselves to one line of work to become proficient in production or in rendering services for themselves and their fellow men and lifting all to a higher plane of life.

All industry was developed with the use of money. It has suffered impairment and stagnation with the failure or inter-

ference with money. Industry has followed up with prosperity, with the normal increase and stabilization of money, and it has followed down to the depths of impairment and stagnation with the failure or perverted use of money.

There are some other phases of the uses served by money involved in the conduct of our industrial system, which has become a part of our social life and which can be better understood from a history of the growth of money, the changes in its development, and to which I may wish to refer later, and for this purpose I wish to explain here.

Money is not a deliberate creation. Money is a growth and development with time, coming up in progress for long centuries, changing from its early created forms as the mode of living changed; developing gradually, one step at a time, until today it has assumed the use and character as an exact science for study and application.

The use of money was developed from the exchange of goods and commodities, and from the use of certain goods and commodities more convenient for exchange than others, such as gold and silver and the precious metals. But cattle, sheep, and horses have been used, and early in this country hoop holes and tobacco were used.

If a planter wanted to exchange his hogs for certain goods owned by a man who did not want hogs but wanted to exchange his goods for cows, then the hog raiser would first exchange for cows and then exchange the cows for the goods he wanted to use.

Thus it was gradually found that there were certain goods wanted by everybody, as in early times everybody wanted cows. So it was learned to exchange first for cows and then the cows could be exchanged with everybody and anybody for any goods that others produced for general use.

Man was early attracted by the glare and glitter of gold, silver, and the precious metals, and came to adore and worship them, and gods and idols were made from them. And learning that everybody wanted gold and silver and their desirability and small bulk for convenience, led them to be used first for general exchange knowing that they could be exchanged for other articles.

But all these original money materials have been finally abandoned for use and paper money substituted instead. Gold, the last of the money materials containing intrinsic value within itself has now been abandoned by all the nations, either for use as money or for a standard, and it is only used as other goods and commodities to settle balances of trade between nations.

Before there were any stable governments to guarantee the value of money, money was required to guarantee itself by containing value within itself. But since the establishment of stable governments, money as value within itself is not required and paper money has served the use better.

The use of money has developed many uses other than the need for exchange, including a measure of value, a storage for hoarding and holding value, and it has made possible and practical for men to specialize in a multiplicity of callings, but none of which I can dwell upon here.

The value of money within itself, such as gold, silver, and the precious metals, which was once necessary to make money pass, has become the curse and evil of money, causing such money to be hoarded as savings and taken out of use and circulation, and creating a scarcity of money for use.

But the intrinsic value of money, money with value within itself, which was necessary in ancient times to make an article or commodity pass as money, has in modern times, under stable governments, not only made intrinsic value within itself unnecessary but destroys its use as money.

It was the intrinsic value of gold before there were stable governments, as well as its small bulk and convenience, that made gold desirable for money. But today, in modern times, it has been because of this value within itself that has destroyed its use for money.

The intrinsic value of gold, or the value of gold within itself, has made it subject to hoarding, subject to use for storing or holding value that has caused its abandonment for money.

It could serve both the use for storage and at the same time serve the use and pass as money.

In closing this first address I want to leave with you to hold in mind that industry is men working together; that it was the invention of money that made industry possible, possible for men to exchange their services and what they produced for others' services and what others produced.

And every interference or interruption of the free use of money in industry will interfere and interrupt the progress of industry; that a part failure of the supply of money will bring a like failure of industry; and that a total want or failure of money will compel men to separate and destroy all industry.

EXTENSION OF REMARKS

Mr. DRIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the *Record* and include therein a short resolution from the legislature of my State of Arkansas.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the *Record* on parking meters and insert certain letters I have received on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1939

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes, with Senate amendments, insist on the disagreement of the House to the Senate amendments, and agree to the further conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WOODRUM, JOHNSON of Oklahoma, FITZPATRICK, JOHNSON of West Virginia, HOUSTON, WIGGLESWORTH, and DIRKSEN.

EXTENSION OF REMARKS

Mr. DIES. Mr. Speaker, I ask unanimous consent to extend my remarks in the *Record* by including a letter I wrote to Secretary Hull.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STACK. Mr. Speaker, my office has been flooded with telegrams and letters against the reorganization bill which I understand is coming up in the Senate today.

With the majority of the people in my district, I am opposed to the reorganization bill and to political dictators in Philadelphia, Harrisburg, Washington, and abroad. [Applause.]

I left Ireland 35 years ago because my people then had no voice in their government. If this bill passes, the Congress of the United States will be a glorified Charlie McCarthy [laughter], which I am sure the people of my district and the United States do not want. I, personally, do not want any strings attached to me. [Applause.]

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, our President seems bound to embroil us in European entanglements. He now is asking the people of the United States to make a haven here for those who are undesirable to European dictators. He bases his appeal on sympathy and charity.

He expects Americans to finance this movement, which will bring into our midst this great group made up of many races, creeds, and nationalities, and from many countries. They will share jobs with our 15,000,000 jobless and share food with our 20,000,000 on relief.

He has committed the people of the United States to this program without consulting them or their representatives in Congress. When he gave out to the nations of Europe the startling invitation to participate with him in removing from Europe these thousands of political refugees he launched on a program unprecedented in our history.

Naturally European nations shout their approval of a program whereby the United States assumes Europe's most pressing political and economic burden.

This should not be done. We cannot afford it. It is not fair to our people. Neither to those who have nor to those millions who have not and who themselves need sympathy and charity.

To do what he proposes he must violate the immigration policies under which the Nation is supposed to have been operating for the last 7 or 8 years. He says he proposes not to go beyond fixed quotas. For years the policy has been to stay within 10 percent of quotas. If he gives Mme. Perkins a free hand she will lay down the bars and thousands will enter contrary to the spirit of the law. She can do this by a liberal interpretation and exercise of the provision of the law admitting visitors and students and businessmen. Likewise she can remove restrictions as to liability to become a public charge and remove other restrictions. We are treading on dangerous ground when we deviate from our well-settled course which the people have approved.

Shall all refugees be permitted to come? If not, why not? If only certain classes, then who? Shall the most distressed, such as the wounded and maimed Spanish or the suffering Chinese come? No; who then? Shall the epileptic; the sick; the incompetent; the lame and the blind, and all those who are least able to care for themselves against the cruelties of the dictatorships? No; these cannot be reached under the law. The chances are that many from all these groups will come, but not lawfully. Then who shall come? Those who have financial and political influence and those who will be physically fit. They will be able to take the places of our men and women in commercial and industrial activities and probably at low wages if necessary.

When this great crowd of refugees is brought here it must be remembered that they come for permanent residence. We will never be able to deport them. Why? For the simple reason that there will be no place to which they can be deported. Nobody will take them back.

Neither our financial nor our economic structure, strained to the limit as it is, can stand this additional strain. The man looking for a job should not be put into further competition with this additional group. The family on relief should not be expected to divide its already meager allotment with another family, especially one from a foreign country.

The President has gone on a visionary excursion into the warm fields of altruism. He forgets the cold winds of poverty and penury that are sweeping over the "one-third" of our people who are ill-clothed, ill-housed, and ill-fed.

With actual death-dealing red warfare being carried on between two great nations off to the west of us, and with rumors of wars coming to us every day from Europe—a veritable powder keg—why should we project ourselves into this danger?

Without regard to party affiliation, without regard to sectionalism, but with full regard to the safety and best interests of our country, all of us must agree that we are confronted with great social, economic, and financial problems that have

to date defied solution. Our own people are despairing. Our own people are suffering. Why add to our troubles and threaten our very existence?

The present administration, under persistent pressure from certain groups outside of the Government and from Mme. Perkins and her group within the Government, has yielded ground in the settled policy of restrictive immigration. This opportunity has come to them because of the failure of Congress to do its full duty. At the present time, under the present quota laws, each European nation is allowed a set quota. The Asiatic and African countries have no quotas. They are generally inadmissible. The countries of the Western Hemisphere have no quotas. General laws as to health and criminal records are observed as to immigrants from Western Hemisphere countries. The quotas of European countries are as follows:

Visas issued against annual quota

Country	Annual quota	Preference visas issued				Nonpreference visas issued	Total quota visas issued	Percent of annual quota issued
		Relatives of American citizens	Farmers	Relatives of aliens	Total			
Afghanistan	100							
Albania	100	27		64	91	9	100	100
Andorra	100							
Arabian Peninsula	100					1	1	1
Australia	100	4		1	5	83	88	88
Austria	1,413	31		46	77	347	424	30
Belgium	1,304	20		8	28	201	229	17
Bhutan	100							
Bulgaria	100	6		7	13	59	72	72
Cameroon, British	100							
Cameroon, French	100							
China	100					54	54	54
Czechoslovakia	2,874	216		233	449	1,217	1,666	58
Danzig, Free City of	100	5		8	13	38	51	51
Denmark	1,181	15		5	20	225	245	20
Egypt	100			4	4	23	27	27
Estonia	116	4		4	8	27	35	30
Ethiopia	100							
Finland	569	18		16	34	206	240	42
France	3,086	56	19	52	127	506	633	20
Germany	25,957	384		709	1,093	11,439	12,532	48
Great Britain and Northern Ireland	65,721	236	4	313	553	2,240	2,793	4
Greece	307	89		54	143	164	307	100
Hungary	869	114	3	70	187	584	771	90
Iceland	100					3	3	3
India	100	4			4	27	31	31
Iran	100	1			1	10	11	11
Iraq	100	1		10	11	13	24	24
Irish Free State	17,853	27		28	55	483	538	3
Italy	5,802	1,080		952	2,032	919	2,951	50
Japan	100			1	1	12	13	13
Latvia	236	16		10	26	107	133	56
Liberia	100					1	1	1
Liechtenstein	100					1	1	1
Lithuania	386	83		12	95	168	263	68
Luxemburg	100	3			3	9	12	12
Monaco	100							
Morocco	100	3		2	5	16	21	21
Muscat	100							
Nauru	100							
Nepal	100							
Netherlands	3,153	26	35	29	90	304	394	12
New Guinea	100							
New Zealand	100	3			3	28	31	31
Norway	2,377	36		39	75	263	338	14
Palestine	100	7		7	14	57	71	71
Philippine Islands	50			27	27	23	50	100
Poland	6,524	492		197	689	1,878	2,567	39
Portugal	440	27		119	146	97	243	55
Ruanda and Urundi	100							
Rumania	377	121		41	162	215	377	100
Samoa, Western	100							
San Marino	100	1		2	3	22	25	25
Saudi Arabia	100							
Siam	100							
South Africa, Union of	100	2			2	32	34	34
South-West Africa	100					1	1	1
Soviet Union	2,712	126		31	157	488	645	24
Spain	252	37		42	79	172	251	99
Sweden	3,314	26		30	56	290	346	10
Switzerland	1,707	25		12	37	317	354	20
Syria	123	36		21	57	66	123	100
Tanganyika	100					1	1	1
Togoland (British)	100							
Togoland (French)	100							
Turkey	226	111		24	135	91	226	100
Yap	100							
Yugoslavia	845	83		78	161	390	551	65
Total	153,774	3,602	61	3,308	6,971	23,927	30,898	20

When the depression of 1929 came down upon us and the economic conditions being very bad in all the countries of the world, it became evident that we were bound to further restrict immigration. To this end, a bill introduced by myself was reported by the Committee on Immigration. It provided a reduction of 90 percent of all European quotas and set a quota on all the countries of the Western Hemisphere. That bill passed the House by an overwhelming majority. It failed to receive consideration in the Senate merely because of a filibuster.

Because of this failure President Hoover requested the Department of State to enforce the law more rigidly, especially the clause prohibiting entry if there was any probability of the applicant becoming a public charge. This additional rigidity of enforcement resulted in a general reduction of 90 percent.

When President Roosevelt came to the Presidency he continued this policy. It was relaxed in many instances over the protest of many Congressmen. From January 1, 1937, it has been quietly relaxed, with the result that immigration in 1937 showed nearly a hundred percent increase from some countries. This increase was very much larger from Germany and Poland than from any other countries. The total increase of aliens entering in 1937 over 1936 was 22 percent.

Since January 1937, there has been a great relaxation in the restrictive policy by the administration. This is not common knowledge, as the administration has without doubt shunned giving publicity to its activities in this respect. This relaxation has been noticeable in many respects. The administration has repeatedly attempted to pass the Kerr-Coolidge bill, and later the Dies bill. Both of these bills sought to confer much greater discretion upon the Secretary of Labor. She was anxious to have the power reposed in her to practically determine who should be deported and who should not be deported. She was much more interested in the power to determine who should not be deported than she was in the power to determine who should be deported. These bills have never passed Congress. The attitude of the Secretary of Labor no doubt has had a great deal of influence on the President in that he too has reflected her sentiments and the sentiments of some of those who live in large centers of population where the percentage of foreign born is high.

The tendency of the Secretary of Labor to want to let down the bars and admit aliens more freely is reflected in the large increase in immigrants of all classes in the past 5 years. Especially is this true in 1937 and 1938. For in January 1937, a new policy was quietly put into effect. Before that time the "liable to become a public charge" clause was enforced on the theory that because of the depression and unemployment in our country any alien without separate means of support would be liable to become a public charge if he had to depend on his work or did not have a relative here legally able to support him. This interpretation was changed on January 1, 1937. This change was to make the admissions much easier.

Immigration from Great Britain, Ireland, Scandinavia, and France has changed but little, while the immigration from Germany and Poland has increased very greatly. It will be near the quota limit this year.

There is a fertile field for violation of the immigration laws in the provision of the law which permits the unlimited admission outside the quotas of visitors, tourists, businessmen, students, and so forth. In 1937 there were 92,613 admitted in this category. This number, plus the number who came in illegally makes quite an army. There is no limit to which this class can be increased. Many of these lose themselves in the population and are never deported. And again there are many who marry purposely to complicate and defeat deportation.

From all this it can easily be seen that there is room for the suspicion that some authorities in the Government would

welcome the admission of these additional thousands that the President proposes to admit, and would welcome them for reasons other than charity or sympathy. There is no doubt that many more will be admitted under this policy than the average person thinks. When the President says that admissions will all be within the quotas, he is wittingly or unwittingly giving the impression that the number will not be increased beyond the number which has been the practical quota from 1929 to 1937. As a matter of fact, an increase from the practical quota to the actual legal quota will in some cases be an increase of 900 percent.

When the President starts on this new policy he will be starting on an unprecedented program. Nothing like it was ever thought of in the whole history of the Nation. During the Civil War the Government encouraged immigration, but not in the proposed manner. When we finance the importation of thousands of persons into our midst that are practically drawn from foreign lands, we will in effect demoralize our whole immigration system. Our country has been the model of all other countries in immigration matters; we have been pioneers; we founded our selective system fairly and scientifically. Millions of our people have gone through our immigration and naturalization processes proudly and are proud of their citizenship. They consider it a prize possession. Many others would like to have citizenship who cannot get it for some reason or other, yet would make good citizens. All of these had probable deportation hanging over their heads during their probationary period. In a way they served their apprenticeship. They now are full-fledged citizens. They feel that they have in a way earned their citizenship. How will they feel when they see these thousands practically paid to become citizens? In fact these new thousands need not bother with securing citizenship. They need never fear deportation. The agitator can bring his soap box with him and perch himself on it the minute he lands in New York. What will it better the situation by saying that these new aliens must be vouched for financially? To whom will they be vouched for? And after they are here what can we do about it if they seek the jobs of our own people? If they break all our laws we cannot deport them. If they sit down and refuse to work we can do nothing less than feed them, as would be our Christian duty. I, for one, shall maintain that we treat them decently as human beings should be treated if they are brought here.

In view of the terrible condition in which our country finds itself now, it seems to me that we are taking a terribly dangerous course in proposing to bring these thousands upon thousands to our shores. In the name of humanity, what will we say to the fifteen million looking for work? What will we say to the mother who wrote me yesterday, when she said that her husband was ill and that her son, able to work, could find none, and that they were allowed \$1.80 per week for herself and her sick husband and their eight children?

If we could wipe out all misery and anguish in the world by carrying out this plan there would be reason for it. If we are to continue to give away our markets as we have been doing, and to give away our national heritage as we have been doing; if we are to continue mounting deficits and changing methods and usurpation of authority, and are ready to throw our national future into common communism with all the world then this is a step in that direction.

What will be the psychological effect on the dictator of Soviet Russia if we open our doors to those whom he knows are in bitter opposition to him and his plans? Likewise what will be the effect on the dictators of Germany and Italy? It would be much better for us to vote a huge appropriation to takes these people to some uncongested section of the world and thereby help them to help themselves. Their presence in our country is sure to arouse enmity and suspicion that may prove very disastrous to us. Why not suggest to all these European countries, for practically all of them owe us huge sums, that we will credit them the amount

necessary to transport these people to some country with plenty of frontiers which need to be developed?

Mr. Speaker, we have had enough experience with these European countries to know that we will get the worst of this deal. We always get the worst of it even when we are trying to save ourselves from them. In this new proposal we are attempting to save them from themselves. When we virtually throw ourselves at them we are sure to come out of it as we would expect a lamb to come out if it were thrown to the wolves. Washington admonished us to beware of foreign entangling alliances. More, we should beware of forcing ourselves into such alliances. Especially is this true at this time when all signs indicate that it is only a question of a short time until Europe will be engaged in another war. If there is any sentiment in America that is universal, it is the sentiment against our getting into another world war.

Mr. Speaker, God forbid that I have anything but the best interest of my country at heart when I present these arguments. I hope that we can chart a course free from the reefs of trouble. We are out of trouble. Why not stay out? [Applause.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Government loans to business and to include correspondence between myself and constituents, and certain excerpts.

The SPEAKER. Is there objection?

There was no objection.

REORGANIZATION BILL

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, I make this request in order to say that I have received as high as 1,000 letters from my district in one day protesting against the reorganization bill. The people of my district are opposed to it, and I am answering those letters as rapidly as I can. The people of this country fear a dictatorship, a fear that is well founded.

The SPEAKER. The time of the gentleman from New York has expired.

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article on the proposed dam at Gilbertsville, Ky.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a very brief editorial from one of the newspapers of my district upon the excellent work done by the W. P. A. in connection with the recent flood in California.

The SPEAKER. Is there objection?

There was no objection.

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to refer to laws pertaining to Puerto Rico.

The SPEAKER. Is there objection?

There was no objection.

REORGANIZATION BILL

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I have noticed several articles in the newspapers this morning about Congress receiving telegrams protesting the reorganization under his plan, and have heard much about Members of Congress receiving many

letters in reference to the reorganization bill giving more power to the President. I have not received very many in opposition, and the reason I believe that I have not received them is because the people of my district know that I am not for any reorganization bill that is going to place the power of the Congress in the hands of the President of the United States. We have already been too liberal in this respect. I think it is constitutionally wrong, and I think that every Member of Congress and the people of this Nation will regret the day when they place more power in the hands of the President of the United States. What we should do is to cancel the power already given him. Let us obey our oath and let Congress function under the Constitution. Preserve our form of government and do it now.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, on March 2 I obtained unanimous consent to include a certain historical document in an extension of my remarks in the RECORD written nearly 100 years ago, which never has been before printed. Since that time the distinguished gentleman who sent it to me, Mr. T. C. Thompson, has died. I ask that permission again, as of this date, so that I may place in the RECORD some reference to this distinguished citizen of Tennessee.

The SPEAKER. Is there objection?

There was no objection.

RECIPROCAL-TRADE AGREEMENTS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and to include as a part of my remarks a letter which I received from the President of the United States enclosing a copy of a letter which Mr. Secretary Hull wrote to 15 members of the New England delegation.

The SPEAKER. Is there objection?

There was no objection.

THE WHITE HOUSE,
Washington, March 21, 1938.

The Honorable EDITH NOURSE ROGERS,
House of Representatives, Washington, D. C.

MY DEAR MRS. ROGERS: I refer to the letter of March 3, 1938, signed by you and 14 other Republican Members of Congress from the New England States, urging that the negotiation of any further reciprocal-trade agreements be deferred until costs of production are ascertained in the countries with which negotiations are contemplated. I understand that an identical letter was sent to the Secretary of State.

As the Secretary of State has discussed fully the points raised in your letter, in his answer which was made public on March 14, copy of which is enclosed, there appears to be no necessity for further comment by me.

I shall appreciate it if you will have my reply brought to the attention of the 14 other Members of Congress who joined with you in signing the letter.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

DEPARTMENT OF STATE, March 14, 1938.

The Honorable RALPH BREWSTER, Maine.

The Honorable JAMES C. OLIVER, Maine.

The Honorable CLYDE H. SMITH, Maine.

The Honorable GEORGE J. BATES, Massachusetts.

The Honorable CHARLES R. CLASON, Massachusetts.

The Honorable CHARLES L. GIFFORD, Massachusetts.

The Honorable PEHR G. HOLMES, Massachusetts.

The Honorable ROBERT LUCE, Massachusetts.

The Honorable JOS. W. MARTIN, Jr., Massachusetts.

The Honorable EDITH NOURSE ROGERS, Massachusetts.

The Honorable GEORGE HOLDEN TINKHAM, Massachusetts.

The Honorable ALLEN T. TREADWAY, Massachusetts.

The Honorable R. B. WIGGLESWORTH, Massachusetts.

The Honorable CHARLES W. TOBEY, New Hampshire.

The Honorable CHARLES A. PLUMLEY, Vermont.

I have received the joint letter, signed by 15 Republican Members of Congress including yourself, dated March 3, 1938, and delivered on March 7, urging that the negotiation of any further reciprocal-

trade agreements be deferred "until the cost of production is ascertained in the countries with which negotiations are contemplated." In this connection, the letter refers specifically to the negotiations with Czechoslovakia as affecting shoes, and to articles, to be considered in the trade-agreement negotiations with the United Kingdom, "which compete directly with our own manufactured products," and recommends that no action be taken on these items "until production costs are available."

With reference to that part of your communication relating to Czechoslovakia, as you of course know, the trade agreement with that country was signed on March 7, 1938, and the terms of the agreement have been made public. In regard to the action taken with respect to shoes, I need only say that cost data, as well as other relevant factors, were carefully considered in the course of the negotiations before the moderate concessions on certain types of shoes, with ample safeguards for the domestic shoe industry, were included in the agreement with Czechoslovakia.

To adopt the cost-of-production formula as the sole criterion in connection with further trade-agreement negotiations would, for all practical purposes, amount to a virtual suspension of the trade-agreements program. When the resolution to renew the Trade Agreements Act (H. J. Res. 96) was before Congress in February 1937, substantially the same proposal came before the Ways and Means Committee. Commenting on this proposal, that committee, in its report on the resolution, stated in part as follows:

"The committee has taken note of suggestions that the cost-of-production formula, whereby changes in duties would be made only on the basis of prior findings of the difference in cost of production here and abroad, be incorporated into the Trade Agreements Act. However plausible on its face, this formula, if introduced into the act, would, in the committee's opinion, so seriously impede the effective operation of the act as virtually to nullify it. The committee feels that adequate consideration is already given to cost data as part of the general body of information taken into account in administering the act, and that reliance upon the cost formula as the sole basis for tariff adjustments in the trade agreements would be wholly impracticable.

"The most immediate and vital objection to the use of this formula in connection with trade agreements is the fact that it would so delay and hamstring the conduct of the negotiations as to make the act virtually a dead letter. Experience in the administration of section 336 of the Tariff Act of 1930 (and the corresponding provision of the act of 1922) has conclusively shown that the investigations required to make such findings cannot be completed short of months, sometimes a year. In view of the many investigations that would have to be conducted simultaneously if every proposed change of duty in an agreement were to be predicated upon such an inquiry, it is obvious not only that the resources of the Government would be swamped but that any possibility of concluding an agreement would be indefinitely delayed."

The committee further called attention to the serious objections to the cost formula as the exclusive basis for determining tariff rates, on grounds both of policy and of difficulties in administration.

In view of the foregoing consideration, the action recommended in your letter would amount not only to a "stay of negotiations," as your communication puts it, but to a complete suspension, a virtual abandonment, of the trade-agreements program.

Thus the real issue which your letter raises is whether it would be in the interest of this country to suspend or abandon the trade-agreements program. Surely you do not propose such a course of action.

From the standpoint both of our own economic well-being and of peace, suspension or abandonment of the trade-agreements program would be the worst possible blunder. It would be a mistake, moreover, the staggering costs of which would have to be shared by New England in common with the rest of the country.

A little more than a year ago, when the resolution to renew the Trade Agreements Act (H. J. Res. 96) was pending, the Ways and Means Committee, in its report to the House, stated its conclusions as follows:

"On the basis of careful study of the results of the trade-agreements program in its 2½ years of operation and of the manner in which the act has been administered by the executive branch of our Government, the committee is convinced that—

"(1) The foreign-trade agreements have demonstrated their efficacy in reviving our foreign commerce and in safeguarding it from adverse discriminations abroad;

"(2) The provisions of the act have been administered with care and caution and with scrupulous regard to the best interests of the Nation and to the intent of the Congress in authorizing the Executive to negotiate foreign-trade agreements;

"(3) The policy pursued by our Government under the act has served to strengthen our influence in favor of establishing and maintaining the conditions of peace by helping to remove some of the most dangerous economic causes of war; and that

"(4) In the sphere of international economic relations there is a continuing urgent need of effective action along the lines so far followed with marked success in the application of the Trade Agreements Act.

"The committee concludes, therefore, that it is of imperative importance to our national interests that the authority for the continuance of the program embodied in the act of June 12, 1934,

be extended in its present form for a further temporary period as provided by the accompanying resolution."

The urgency for stimulating international trade is even more obvious now than it was at that time. It is of the utmost importance that nothing be done at this time which will retard the restoration of foreign outlets for both agricultural and industrial products so necessary for our prosperity.

Consider for a moment the situation with respect to agriculture, and bear in mind that the prosperity of agriculture in this country vitally affects the prosperity of industry, in New England as elsewhere. Agriculture, as a whole, is dependent on export outlets, and that dependence is reemphasized this year by the return of good crops. Since the trade-agreements program has been in effect, severe shortages of many agricultural commodities, resulting from the unprecedented droughts of 1934 and 1936, have greatly reduced or entirely eliminated our exportable surpluses of important products. With high yields again in 1937, we are face to face with the problem of disposing in foreign markets of large surpluses of farm products over and above what can be readily absorbed in the domestic market. In years of favorable weather we invariably produce large surpluses of many of our most important crops. These surpluses, if not exported, weigh heavily upon the domestic market and force prices down to disastrous levels.

To discontinue the efforts to expand foreign outlets for farm products would evidence an indifference to the welfare of our farm population and a lack of understanding of the vital importance of a prosperous agriculture to our whole economy. We are now in process of negotiating a trade agreement with the United Kingdom. That country is of transcendent importance as a market for our farm produce, taking over a third of our total agricultural exports and about half of all agricultural exports other than cotton. Our exports of agricultural products to the United Kingdom in 1929 amounted to \$445,000,000. In 1937 these sales, although they had recovered considerably from the low years of the depression, were still down to \$259,000,000. Conclusion of a satisfactory trade agreement with the United Kingdom would obviously constitute an important contribution toward the solution of the problem of expanding market outlets for farm products. To suspend the operation of the Trade Agreements Act just at the time when an attempt is to be made to save and expand a market that takes one-third of our total agricultural exports would in my opinion, be an inexcusable blunder.

Prosperity in industry likewise depends upon an active foreign demand. In 1937 our exports of manufactured and semimanufactured products amounted to two and three-tenths billion dollars, Automobiles and tractors, office appliances, agricultural machinery, various types of industrial machinery, radio apparatus and various electrical household appliances, refined mineral oils, refined copper, various coal-tar products—these are but major categories in a vast range of industrial items the exportation and profitable sale of which mean the difference between prosperous and unprosperous conditions for a large proportion of our manufacturing industry. The prosperity of such industries is, moreover, of vital importance to other industries not themselves directly dependent upon foreign markets.

It was no blessing, disguised or otherwise, to our manufacturing industry, to the country as a whole, or to New England when the value of our exports of manufactured and semimanufactured products fell, as it did between 1929 and 1932, from three and three-tenths billion dollars to eight-tenths billion. That was a situation to which our embargo tariff policy, reaching its climax in the Hawley-Smoot Act, greatly contributed; and it is precisely that situation which we are now endeavoring, through the Trade Agreements Act, to correct.

It cannot be a service to American industry or labor, or a contribution to the maintenance of American living standards, to become suddenly indifferent toward the preservation and expansion of foreign markets for the products of such industries. On the contrary, to suspend the trade-agreements program in the face of such a situation would be about the worst possible thing that could be done, from the standpoint both of industry and labor. It would deal a body blow to the efforts of the Government to increase industrial activity and employment in the United States through a healthy expansion of our foreign trade. Far from helping to maintain American living standards, it would definitely tend to lower them.

Let there be no illusion concerning New England's stake in this whole situation. Because New England produces a considerable range of manufactured products which are subject to actual or potential competition from imports, it is an easy but false jump to the conclusion that excessively high tariff duties are in its interest. That is most certainly a short-sighted and an erroneous view. Leaving entirely aside New England's direct interests in exports and in water-borne commerce, important as they are, and confining attention to the home market, the question which has to be squarely faced is this: What kind of a tariff policy is best calculated to promote a prosperous domestic market for New England products?

Surely it must be clear that an extreme protectionist policy does not do this. The virtually prohibitive tariff rates of the Hawley-Smoot Act did not prevent a decline in the value of manufactures produced in New England from six and four-tenths billion dollars in 1929 to three and one-tenth billions in 1933. Nor, for example,

did they prevent factory pay rolls in the State of Massachusetts from declining to only 46 percent in 1932 of what they were in 1929. When the purchasing power of the other parts of the country, including regions directly and vitally dependent upon foreign markets, collapsed, New England's producers of textiles, shoes, and numerous other articles were direct sufferers along with the rest. New England's bread lines were no shorter than those elsewhere.

There could be no greater illusion than to suppose that New England's essential interests can be divorced in this matter from those of the rest of the country. No more than the rest of the country can New England profit from a narrow policy of embargo protectionism. Of that the experience under the Hawley-Smoot Act is proof abundant. And the reason New England cannot profit is because a policy of that sort leads inevitably to the ruination of the domestic as well as the foreign market for products of American industry.

A program which is designed to restore and promote the domestic as well as the foreign markets for American products when it is administered, as is the trade-agreements program, with scrupulous and painstaking regard for the interests of the domestic producers, cannot fail to be of unquestionable benefit to New England and to every section of the country.

But New England's stake in this program does not end there. As I have stressed over and over again, this program is a constructive and a vital contribution to the cause of peace. It is the greatest single force today in bringing about a turning of the tide of international trade away from a tooth-and-claw struggle for vanishing trade opportunity toward a rebuilding of mutually profitable trade based on friendliness and fair dealing. It is thus helping to create conditions hospitable to peace and inhospitable to war. In a period when political tension has increased both in Europe and Asia, and danger of a world-wide conflagration has been ever present, the United States, through its trade-agreements program, has introduced an important stabilizing factor into international economic relations.

Abandonment of our liberal policy would signal a revival of economic warfare which would inevitably result in an increase of the political tension throughout the world. If we do not continue to move forward with the trade-agreements program we shall not be standing still; we shall be going backward. Suspension or virtual nullification of the program would be the signal for further increases in trade barriers everywhere, and new inroads into our reviving foreign trade. To turn aside from our carefully chosen course into a dead-end street that is still strewn with the wreckage of past tariff blunders would be worse than folly; it would be a great national tragedy. Rather we should continue to go forward with the program as vigorously as possible, on a broad nonpartisan basis, in the interest of our prosperity and of world peace.

Sincerely yours,

CORDELL HULL.

(Text of letter from Republican Members of Congress from the New England States to the Secretary of State, dated March 3, 1938, delivered by the riding page to Secretary Hull's office at 3:45 p. m., March 7, 1938)

MARCH 3, 1938.

The Honorable CORDELL HULL,

Secretary of State, Department of State, Washington, D. C.

MY DEAR MR. SECRETARY: This letter, which bears the signatures of the Republican Members of Congress from the New England States, is written to urge you to defer the negotiation of any further reciprocal-trade agreements until the cost of production is ascertained in the countries with which negotiations are contemplated.

In the case of the proposed agreement with Czechoslovakia, the United States Tariff Commission is seeking this information concerning shoes. Nothing should be done until the data is available to you and to the Congress.

There are so many articles to be considered in the agreement with Great Britain which will compete directly with our own manufactured products it will be extremely unwise to negotiate until production costs are available.

This matter is of such vital importance to the workers of our section of the country, thousands of whom are at the present time unemployed, that we urge you most strongly to accede to our request for a stay of negotiations.

Very respectfully yours,

James C. Oliver, Maine; Ralph Brewster, Maine; Charles W. Tobey, New Hampshire; Charles A. Plumley, Vermont; George Holden Tinkham, Massachusetts; Edith Nourse Rogers, Massachusetts; Allen T. Treadway, Massachusetts; Charles L. Gifford, Massachusetts; R. B. Wigglesworth, Massachusetts; Charles R. Clason, Massachusetts; Robert Luce, Massachusetts; Clyde H. Smith, Maine; Joseph W. Martin, Jr., Massachusetts; George J. Bates, Massachusetts; Pehr G. Holmes, Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, we in Massachusetts and in New England feel very bitterly about the attitude the administration is taking in regard to New England, particularly in regard to Massachusetts. In the

letter of the Secretary of State, to which I have referred, he points out to us, in effect, that New England need expect no favor or protection in the reciprocal-trade agreements. The administration adds insult to injury to us in New England in causing legislation to be passed that hurts us industrially, and which puts people out of work, and also in sending people like Secretary Wallace and the Assistant Secretary of State, the former "brain truster," Mr. Berle, to make speeches in which they criticize New England. Everybody remembers Secretary Wallace's attack upon New England at the time of the processing-tax question. The following is an Associated Press article which appears in the New York Times this morning. It adds insult to injury.

BERLE ADDRESSES LABOR-PARTY RALLY—ASSISTANT SECRETARY OF STATE SPEAKS AT BOSTON CONVENTION OF NONPARTISAN LEAGUE—BLAMES NEW ENGLANDERS—INDUSTRY THERE BROUGHT ON ITS OWN DECLINE BY HIGH TARIFF DEMANDS, HE CONTENDS

BOSTON, March 27.—A. A. Berle, Jr., Assistant Secretary of State, blamed New England industry for its own "decline" today and bluntly asserted that it needed "imagination and a new approach."

Mr. Berle spoke at a convention launching labor's nonpartisan league as a "political force" in Massachusetts.

"For a good many years the policy of New England industry has too often been to complain about its wrongs and then to ask for special privileges. The result has been precisely nothing. What is needed now is not complaining, but constructive thought."

Here in the hub of the highly industrial section, where opposition has been voiced to reciprocal-trade treaties, Mr. Berle declared that President Roosevelt "asked me to say" that "no one needs to fear that he will be sacrificed" in the proposed British-American trade agreement.

Pointing out these States were "most prosperous . . . when international commerce was open," Mr. Berle added:

"The decline of New England began when our protective tariffs caused retaliation elsewhere, and when a gradual process of trade strangulation began to be general throughout the world."

"No area helped to make that condition more than New England and no area suffered more from it."

The former "brain truster," charging New England manufacturers for a century had asked, under the guise of "protecting" labor, tariff protection "so great that it finally amounted to an embargo on foreign imports," said:

"I have an uneasy suspicion that it was not labor they were chiefly thinking about. What they wanted was a monopoly of the American domestic market. In time they nearly got it. Then many of them moved to the South to find cheaper labor. Now, we are counting the cost."

He suggested that New England "develop industries which serve its local consumption," and called on the league to form a committee to consider New England industry, which "needs your help and your imagination very, very badly indeed."

Mr. Berle is quoted as saying:

For a good many years the policy of New England industry has too often been to complain about its wrongs and then to ask for special privileges. The result has been precisely nothing. What is needed now is not complaining but constructive thought.

Mr. Berle singles out New England to chastise when it complains that it has been wronged and when it asks for special privileges. He is chastising both the industries and the workers, as industry does not prosper and the employees are out of work. The workers of New England know that the tariff protected them and their work, that it resulted in their having the best pay and the best hours of labor in the country. It is adding insult to injury to have Mr. Berle criticize them when they raise their voices in protest against allowing low-cost-labor goods to flood our stores and take away our markets.

Mr. Berle goes on to say:

President Roosevelt asked me to say that no one needs to fear that he will be sacrificed in the proposed British-American trade agreement.

The workers of New England have every reason to wonder just what Mr. Berle's so-called promise from the President actually means. They are too troubled and too unhappy over the reciprocal-trade agreement just negotiated with Czechoslovakia. In the hearings prior to that agreement they asked for more protection for leather and for boots and shoes, and what was the result? They were granted even less protection than they now have, as the tariff was lowered on

McKay shoes and an increased quota over the present importations is allowed by the terms of the agreement. The tariff was lowered on textiles, lowered on glass, lowered on hats, and lowered on many other items. One trembles to think what would have happened had not the employers and employees made a militant fight against injustice.

Then Mr. Berle says:

I have an uneasy suspicion that it was not labor they were chiefly thinking about. What they wanted was a monopoly of the American domestic market. In time they nearly got it. Then many of them moved to the South to find cheaper labor. Now we are counting the cost.

In a speech in Gainesville, Ga., the President spoke of the "feudal system" in the South and the poorly paid workers there. I have heard many a bitter comment from both manufacturers and workers regarding that speech in its relation to the reciprocal-trade agreements. While the wages are low in the South, which the President says is living in a state of "feudalism," they cannot compare with the lower wages of Czechoslovakia, Japan, and the other countries of the world. And yet, regarding these reciprocal-trade agreements, the President makes no protest against coolie wages paid in Japan and other countries. The people of Massachusetts, in fact the people of the entire country, need only to go to the stores and see the low-price imported goods which are on the counters of these stores to know without being told what labor is being paid across the seas.

To go on, Mr. Berle suggested that New England "develop industries which serve its local consumption." In one breath Mr. Berle tells his listeners of the great advantages of the reciprocal-trade agreements, in the next breath he tells this same group of New Englanders to develop industries which will serve its local consumption. Is it possible Mr. Berle is suggesting that New England secede from the Union and develop into a self-sustaining little country of its own? In its treatment by the administration, surely one must feel that New England is being counted out and left to fight alone. How do the reciprocal-trade agreements fit into this picture?

The SPEAKER. The time of the gentlewoman from Massachusetts has expired.

SUBCOMMITTEE ON PATENTS—LEAVE TO SIT DURING SESSIONS OF HOUSE

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Patents be permitted to sit during the sessions of the House for the remainder of this week.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. O'CONNOR of New York. Mr. Speaker, will not the gentleman make that 2 days at a time?

Mr. O'MALLEY. Mr. Speaker, the only reason why I make the request is to accommodate witnesses from the gentleman's own State, who are down here at great personal expense. I want to have them give the committee their views and then return.

Mr. O'CONNOR of New York. That does not influence me at all, because I think there is too much accommodation of actors and actresses.

Mr. O'MALLEY. Oh, there are no actors or actresses who appear before my subcommittee. If they did, the hearings might be more interesting.

Mr. O'CONNOR of New York. Mr. Speaker, it is a bad practice to have committees sitting for a whole week while the House is in session. I doubt the necessity for it. Get these people up a little earlier in the morning and get them down here at 9 o'clock before the committee.

Mr. O'MALLEY. I am acting only by the direction of the subcommittee.

Mr. O'CONNOR of New York. Make it 2 days.

Mr. O'MALLEY. Mr. Speaker, I will compromise on 3 days. Make it 3 days.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that tomorrow, after the reading of the Journal and the disposition of business on the Speaker's table and the conclusion of the legislative program for the day, after the conclusion of the special order already made, I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CLAIM OF GOVERNMENT OF NORWAY

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I enclose a report received from the Secretary of State requesting the submission to the present Congress of the claim presented by the Government of Norway against the United States on account of the detention and treatment of the crew of the Norwegian steamer *Sagatind* subsequent to the seizure of this vessel by the United States Coast Guard cutter *Seneca* on October 12, 1924.

I concur in the recommendation made by the Secretary of State and recommend that as an act of grace and without reference to the question of the legal liability of the United States of America in the matter the Congress authorize an appropriation in the sum of \$5,000 in order to effect the settlement of all claims arising with respect to the detention and treatment of the crew of the steamer *Sagatind* subsequent to the seizure of that vessel on October 12, 1924.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 28, 1938.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PARTICIPATION IN FOURTH INTERNATIONAL CONFERENCE ON PRIVATE AIR LAW

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the enclosed report from the Secretary of State to the end that legislation may be enacted authorizing an appropriation of the sum of \$15,500, or so much thereof as may be necessary, for the expenses of participation by the United States in the Fourth International Conference on Private Air Law, to be held at Brussels, Belgium, in September 1938.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 28, 1938.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—DEBT OF GOVERNMENT OF HUNGARY TO THE GOVERNMENT OF THE UNITED STATES (H. DOC. NO. 563)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith, for the consideration of the Congress, a communication from the Minister of Hungary on the relief indebtedness of Hungary to the United States, in which the Hungarian Government tentatively formulates for the consideration of the American Government a possible basis for a new debt arrangement between the two countries to replace completely the debt agreement of 1924 and accruals thereunder.

The indebtedness of the Government of Hungary to the Government of the United States is not a war debt but is properly designated as a relief debt, having been contracted in May 1920, under the authority of the act of March 30,

1920, which authorized the United States Grain Corporation, with the approval of the Secretary of the Treasury, to sell or dispose of flour in its possession for cash or on credit at such prices and on such terms or conditions as considered necessary to relieve the populations in the countries of Europe or countries contiguous thereto suffering for the want of food. The American Relief Administration acted as the fiscal agent of the United States Grain Corporation in dispensing this relief.

The original indebtedness, the principal amount of which was \$1,685,835.61, with interest accrued thereon from May 1920 to December 1923, at the rate of 4¼ percent per annum, was funded as of the latter date, by agreement made in April 1924, into bonds of Hungary in the aggregate principal amount of \$1,939,000, maturing serially in the succeeding years for 62 years, bearing 3 percent for the first 10 years and thereafter at the rate of 3½ percent per annum. In approving this debt settlement the Congress authorized the Secretary of the Treasury to subordinate the lien of the bonds taken under it to the lien of the Hungarian reconstruction loan, which was about to be issued and sold in numerous countries, including the United States. In May 1924 the Secretary, acting upon this authorization, formally subordinated the American Government's lien to the lien of the reconstruction bond issue.

On December 23, 1931, the Hungarian Government proclaimed a transfer moratorium suspending payment in foreign currencies of all Hungarian foreign obligations, public and private, except the aforesaid reconstruction loan of 1924. Payments on the latter loan were subsequently suspended in part. During 1937 the Hungarian Government began liquidating the transfer moratorium by negotiating agreements with the foreign holders of Hungarian obligations for the acceptance of reduced payments in full satisfaction of existing indebtedness. It is in this connection that the Hungarian Government has now come forward of its own initiative in an effort to reach an agreement with the United States Government under which the relief indebtedness can also be discharged in full.

No readjustment of the terms of payment of the Hungarian indebtedness to the United States can be made except pursuant to act of Congress. The Hungarian Government is seeking a definitive readjustment of the terms of payment of this indebtedness on the basis of full payment over a period of years of the total original amount borrowed, without interest.

The Hungarian Government calls attention to the similarity between its suggested basis for payment and that accepted by the United States in the Austrian debt agreement of May 8, 1930, which provided that a sum very slightly in excess of the original Austrian indebtedness incurred in 1920 should be repaid without interest in 40 annuities. The Congress of the United States, after full consideration of the nature of the Austrian indebtedness, voted by a large majority in the House of Representatives and by a unanimous procedure in the Senate, to authorize the signature of the draft agreement which had been prepared by the Treasury Department and the representatives of the Austrian Government. The Hungarian debt is a relief debt like the Austrian one.

The Hungarian Minister also suggests that the terms compare favorably with those in several other debt settlements, and that in announcing the signature of the debt agreement with Austria in 1930, the Secretary of the Treasury said:

The settlement compares favorably with the settlements made by the United States with the Governments of Greece, Italy, and Yugoslavia.

It has, of course, been the consistent policy of the United States to consider each debt in the light of the circumstances of the debtor government, and it is with this in view that the Hungarian communication is transmitted to the Congress.

I believe the proposals of the Hungarian Government should receive the most careful consideration of the Congress. They represent a noteworthy wish and effort of the Hungarian Government to meet its obligations to this Government.

In its simplest terms, the offer of the Hungarian Government is to repay to the United States the whole of the relief loan but without payment of any interest thereon.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 28, 1938.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Maryland [Mr. PALMISANO].

AMATEUR BOXING

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 9227) to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes."

Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize boxing in the District of Columbia, and for other purposes," is hereby amended to read as follows:

"1. (a) The provisions of this act shall not apply in any way to any amateur boxing match or exhibition conducted by or participated in exclusively by any school, college, or university, as defined in this act, or by any association or organization composed exclusively of such schools, colleges, or universities when each contestant in any such match or exhibition is a student regularly enrolled for not less than one-half time in a school, college, or university as herein defined.

"(b) As used in this act 'school, college, or university' includes every school, college, or university supported in whole or in part from public funds and every other school, college, or university supported in whole or in part by a religious, charitable, scientific, literary, educational, or fraternal organization which is not operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual."

With the following committee amendment:

Page 1, at the beginning of line 6, insert: "In the event that the authorities in charge shall notify the boxing commission that they do not desire its supervision, then."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GAMBLING IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (S. 711) to amend an act entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, and particularly sections 863, 911, and 914 of the said code.

The SPEAKER. This bill is on the House Calendar. The Clerk will read the bill and the amendments.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting a Code of Law for the District of Columbia, be, and the same hereby are, amended as follows:

Section 863 of such act is hereby amended to read as follows:

"Sec. 863. If any person shall within the District keep, set up, or promote, or be concerned as owner, agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising, directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any chance, right, or interest, tangible or intangible, in any lottery or shall sell or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee or assure to any person or entitle him to a chance of drawing or obtaining a prize, to be drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall, for himself or another person, sell or transfer or have in his possession for the purpose of sale or transfer, a chance or ticket in or share of a ticket in any policy lottery or any such bill, certificate, token, or other device, he shall be fined upon conviction of each said offense not more than \$1,000 or be imprisoned not more than 3 years, or both. The possession of any such tickets, certificates, bills, slips, tokens, or other device shall be prima facie evidence of purpose or intent of selling, transferring, exchanging, or negotiating the same."

SEC. 2. There is hereby added to said act a new section to be known as section 863 (a), to read as follows:

"Sec. 863. (a) If any person shall within the District have in his possession, knowingly, any ticket, certificate, bill, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for the purpose of playing, carrying on, or conducting any lottery, or the game or device commonly known as policy lottery or policy, he shall be fined upon conviction of each said offense not more than \$500 or be imprisoned for not more than 6 months, or both."

Sec. 3. Section 911 of such act is hereby amended to read as follows:

"Sec. 911. Upon complaint, under oath, before the police court, or a United States commissioner, setting forth that the affiant believes and has good cause to believe that there are concealed in any house or place articles stolen, taken by robbers, embezzled, or obtained by false pretenses, forged or counterfeited coins, stamps, labels, bank bills, or other instruments, or dies, plates, stamps, or brands for making the same, books or printed papers, drawings, engravings, photographs, or pictures of an indecent or obscene character, or instruments for immoral use, or any gaming table, device, or apparatus kept for the purpose of unlawful gaming, or any lottery tickets or lottery policies, or any book, paper, memorandum, or device for or used in recording any bet or deposit of money or thing or consideration of value received for any share, ticket, certificate, writing, bill, slip, or token in any pool or lottery or as a wager on or in connection with any race, game, contest, election, or other gambling transaction or device of an unlawful nature as defined in sections 863, 864, 865, 866, 868, and 869, of the act of March 3, 1901, as amended and supplemented, particularly describing the house or place to be searched, the things to be seized, substantially alleging the offense in relation thereto, and describing the person to be seized, the said court or United States commissioner may issue a warrant either to the marshal or any officer of the Metropolitan Police commanding him to search such house or place for the property or other things and, if found, to bring the same, together with the person to be seized, before the police court.

"The said warrant shall have annexed to it, or inserted therein, a copy of the affidavit upon which it is issued, and may be substantially in the form following:

"Whereas there has been filed before — an affidavit, of which the following is a copy [here insert]. These are therefore to command you to enter [here describe the place] and there diligently search for the said articles, goods, or chattels in the said affidavit described, and that you bring the same, or any part thereof, found on said search and also the body of — before the police court, to be dealt with and disposed of according to law."

Sec. 4. Section 914 of such act is hereby amended by adding a new paragraph thereto, the same to read as follows:

"If the property seized be articles, games, devices, or contrivances maintained, kept, set up, or used in violation of sections 863, 863 (a), 864, 865, 866, 867, 868, or 869 of this code, they shall be ordered destroyed, under direction of court, irrespective of any trial or the outcome thereof."

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

With the following committee amendments:

Page 2, line 6, after the word "any", insert the words "policy lottery or any."

Page 2, line 14, after the word "any", strike out the word "policy."

Page 2, line 17, beginning with the word "The", strike out remainder of section and insert the following in lieu thereof: "The possession of any copy or record of any such chance, right, or interest, or of any such ticket, certificate, bill, token, or other device, shall be prima facie evidence that the possessor of any such copy or record did, at the time and place of such possession, keep, set up, or promote, or was at such time and place concerned as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a policy lottery, policy shop, or lottery."

Page 4, line 9, after the word "warrant", insert the word "either."

Page 4, line 12, after the word "court", insert the words "or United States commissioner issuing said warrant, as the case may be."

Page 4, line 22, after the word "court", insert the words "or United States commissioner, as the case may be."

Page 5, line 7, after the word "court", insert "or United States commissioner as the case may be."

Page 5, line 16, strike out the word "shall" and insert the word "may" in lieu thereof.

Page 5, line 19, insert "Sec. 5"

The SPEAKER. The gentleman from Maryland is recognized for 1 hour.

Mr. PALMISANO. Mr. Speaker, there has been considerable publicity given to my opposition to Senate bill 711, which is known as the bill to outlaw the so-called numbers-racket gambling. My opposition to the bill has always been to a provision in the bill which I consider is a violation of the fourth amendment pertaining to unlawful

search and seizure and that is it would give the police the right under section 911, on page 3, of the bill "Upon complaint, under oath, before the police court, or United States Commissioner, setting forth that the affiant believes and has good cause to believe" that there was gambling going on in a particular house because the officer himself saw a number of persons whom he thought were gamblers enter the premises. There has never been any objection in having a law passed to permit possession of a policy slip to be considered prima facie evidence that the holder was playing the numbers game, but that is not what the authorities seek under this act. I might call your attention to several newspaper articles.

On March 29, 1934, in the Daily News, the following headline appeared:

THE GRAND JURY IGNORES GAMBLING EVIDENCE; IRKED BY METHODS

Under that heading it says [reading]:

This is the second time the grand jury has ignored charges growing out of important raids by the gambling squad. A month ago a half dozen men were released after the grand jurors became incensed because scores of persons seized in a raid were unduly retained by police.

On July 18, 1934, in the Washington Daily News, the following article appeared:

TWENTY-TWO MEN IN GAMBLING RAID—ALL ARE HELD

Changing their tactics in the charging of patrons found in gambling places, the police vice squad yesterday arrested 22 men and held them under \$2,000 bond each for setting up a gaming table on the third floor of a building at 605 Pennsylvania Avenue NW.

A three-man squad, led by Sgt. George C. Deyoe, battered down three doors and said they found race-betting and gambling devices in the rooms. The 22 men, operators and patrons, all refused to name the parties who took the bets. The majority of those arrested were held in station houses overnight and were to appear in police court today.

Lt. George M. Little, vice squad chief, said:

"In the future we will hold every prisoner responsible unless we can learn the identity of the operator. In this case no one would admit responsibility, so we consider one as guilty as the other."

On March 7, 1933, I received a letter from Mr. Louis R. Lautier, together with a clipping from a Washington newspaper, which reads as follows:

Two complaints concerning the conduct of Detective Roy Blick, of the third precinct, involving arrests without probable cause and unlawful search and seizure, have been lodged with Maj. Ernest W. Brown, Superintendent of Police.

To show that oftentimes police officers exceed their authority even though it is against the advice of the courts and district attorneys, the best illustration is shown according to the Washington Post of March 23, 1933. In behalf of Assistant Superintendent Bernard W. Thompson, of the Metropolitan Police, I wish to say that I have not heard a single person say they were against him, either a citizen or a member of the police force. He seems to be an excellent officer and commands the respect of everybody. However, he seems to be a fanatic on this subject. I wish to quote the article in the Washington Post, which is as follows:

WOMEN FREED BUT POLICE WILL PUSH VICE DRIVE—SUSPECTS WILL BE ARRESTED AGAIN IF THEY RETURN TO STREETS, POLICE SAY

The 16 women, released yesterday when their cases on soliciting charges were nolle prossed for lack of evidence in police court, will be arrested again if they return to the streets, according to orders issued last night by Assistant Superintendent Bernard W. Thompson of the Metropolitan Police.

He instructed members of the newly formed "pick-up squad" to allow no let-up in their drive. "We'll put them in jail as often as we can arrest them," he said. "Even if we can get no convictions, we can force them to pay out bond money."

Inspector Thompson expressed hope that continual arrests ultimately would drive the women out of town. Further progress of the antivice drive was threatened when the cases against the women were dropped. The technical charge was vagrancy, but careful study of the present vagrancy act convinced Assistant Corporation Counsel John O'Dea that he could not bring a conviction under the law.

The act, passed in 1935, "for the suppression of prostitution in the District of Columbia," provides that anyone frequenting a house of ill-fame or committing an act of fornication for hire shall be considered a vagrant and may be penalized as such. O'Dea pointed out that he lacked evidence of the women's being "va-

grants" in that sense. Although many of them previously had been held for soliciting prostitution, their records do not constitute evidence under the vagrancy act, he explained.

Now you will note that this was the act passed in 1935. The authorities here claim that they want a more stringent law, and as chairman of the subcommittee I reported this bill to the House and had it passed, but it was never intended to give the police authorities the right to pick women up off the streets on suspicion that they were soliciting without any legal evidence to convict, and the inspector in this case insists that he is continuing to do so whether there is any evidence or not. For that purpose I quote the language of Judge Dietrich in the case of Baumboy:

Addicts presumably must lodge somewhere and that these persons went there for a legitimate purpose is fully as reasonable as the contrary assumption.

Now, it is just as fair to assume that a woman who has previously been convicted of a crime could be walking the streets presumably in a legal manner and for a legal purpose.

To show you that the police department and the prosecuting authorities in the District desire to ignore the fourth amendment to the Constitution, relating to unlawful search and seizure, is well illustrated by the following testimony before a subcommittee on crime investigation of the Committee on the District of Columbia in 1935, speaking of Senate bill 2925, which is similar to the bill we are now considering.

Mr. SHAFER of Michigan. Will the gentleman yield? I think the gentleman wants to be fair in his statement. I believe he is giving the House the wrong impression in regard to search warrants.

Mr. PALMISANO. Let me tell you what Mr. Garnett said.

Mr. SHAFER of Michigan. I know, but the law is plain. Look at section 911.

Mr. PALMISANO. You may answer this if you want to. I am quoting the language and the testimony of Mr. Garnett. If he is not an authority, I do not know who should be, and he is the man who proposed the bill. Mr. Garnett, who is mentioned in this testimony, was then United States District Attorney for the District of Columbia.

Mr. REED. Haven't the courts construed the law that the person who makes the affidavit mentions all the reasons upon which he bases his belief?

Mr. GARNETT. Yes, but you do not have that statute now; you have no statute except that you must get an affidavit that there is gambling going on.

Mr. REED. Then, under the present statute an affidavit could be made that gambling was going on in my house without actually knowing anything about it.

Mr. GARNETT. No, you cannot do it in that way. This is aimed at commercial gambling. Never in the history of the world would that be done. We have no unusual statute. They have it in New York and in Virginia now.

Mr. KENNEDY of Maryland. Will the gentleman yield for a question? I would like to know if the gentleman is quoting from the hearings held in 1935 involving crime in the District?

Mr. PALMISANO. Yes.

Mr. KENNEDY of Maryland. That committee was headed by the gentleman from West Virginia [Mr. RANDOLPH].

Mr. PALMISANO. Yes. This is from pages 197 and 198.

Mr. FITZPATRICK. As I understand the Congressman's point, under our present practice in the District of Columbia before you can get the search warrants, of course you must make a complaint under oath.

Mr. GARNETT. Yes.

Mr. FITZPATRICK. And in that you have to show good cause or probable cause as the books call it. Now, under our present practice, does not the United States Commissioner who issues search warrants and judges of the police court who issue search warrants require that they be upon complaint, by personal knowledge?

Mr. GARNETT. I do not see how it could under this section.

Mr. FITZPATRICK. Isn't that what is required today?

Mr. GARNETT. I do not think so under section 911.

Mr. FITZPATRICK. Then if that is not required, can you walk into the police court at the present time and get a search warrant based on information and belief?

Mr. GARNETT. No, you cannot; that is what I want to do there. I want to put it with the counterfeit coins and stolen goods statute; make that statute applicable to the gambling situation.

Mr. REED. If you do amend that section, so that you issue warrants upon information and belief, isn't that contrary to the United States Constitution, for I might honestly believe it, and if we did not get the evidence, there could be no perjury charge against me.

Mr. GARNETT. It all depends upon good faith with which it is done, but we do search—we did search under the Prohibition Act, searching without warrant.

Mr. FITZPATRICK. Isn't the trouble here today that the courts have held that they are based on information and belief rather than on personal knowledge?

Mr. GARNETT. I wanted to change it.

Mr. FITZPATRICK. How will you change it?

Mr. GARNETT. Based on information and belief, just as they do on the counterfeit-coin statute.

Mr. REED. Then it would be void?

Mr. GARNETT. It has never been declared void yet.

Mr. FITZPATRICK. But the trouble with your search warrant today is that it is based on information and belief?

Mr. GARNETT. Yes.

Mr. FITZPATRICK. That warrant is no good.

Mr. GARNETT. That is no good because there is no statute covering it.

Mr. FITZPATRICK. There is a statute covering the search warrant. Mr. GARNETT. Yes; and this (indicating proposed bill) will cover it.

Mr. RANDOLPH. What were your other recommendations? That is number one.

Mr. GARNETT. The other is that possession of gambling paraphernalia was prima facie evidence of the use of the premises for gambling as against the landlord, the lessee, and the occupant. And the third is that we would try to re-form the statute so as to include the numbers racket, including it by name.

Mr. RANDOLPH. Set it out?

Mr. GARNETT. Yes; set it out.

Mr. FITZPATRICK. Now, Mr. Garnett, you would make it prima facie a felony for a landlord to rent property which might thereafter be used for gambling purposes?

Mr. GARNETT. Yes; prima facie.

Mr. FITZPATRICK. You would not require any guilty knowledge on the part of the landlord?

Mr. GARNETT. Not a bit.

Mr. FITZPATRICK. Do you think such a statute as that would be constitutional?

Mr. GARNETT. It was worse than that under the prohibition law, which was upheld.

Mr. HOFFMAN. Will the gentleman yield?

Mr. PALMISANO. No.

Mr. HOFFMAN. I want to correct a statement. I want to know what the gentleman said. Will he repeat that? That part about the district attorney asking for the right to search without warrant.

Mr. PALMISANO. Yes.

Mr. HOFFMAN. Oh.

Mr. PALMISANO. Well, here is the testimony.

Mr. HOFFMAN. I can read the bill.

Mr. PALMISANO. No, no. Wait.

Mr. HOFFMAN. Why not read the bill instead of someone's testimony?

Mr. PALMISANO. Then the gentleman from Michigan has no respect for the district attorney who advocated this bill?

Mr. HOFFMAN. When we are passing a proposed law, I look to the bill.

Mr. PALMISANO. I am asking the gentleman whether or not he is going to give some credence to the views of the man who advocates the bill? You must give him credit for knowing something about the law.

Mr. HOFFMAN. It does not make any difference what we think about the man who advocates the bill. Read the bill.

Mr. PALMISANO. I read to the Members of the House the testimony of the man who advocated this bill and had it introduced.

I can readily understand where we might stretch a point to search a house where articles stolen, taken by robbers, embezzled, or obtained by false pretenses, forged or counterfeit coins, stamps, labels, bank bills, or other instruments, or dies, plates, stamps, or brands for making the same, but I cannot see where the police authorities should have power to break into a private home or hotel on information and belief. Of course, you claim this is only to apply to commercial gambling, but who is to be the judge as to whether or not a card game in a private home or a card game in a hotel with friends is not commercial gambling. There are

many cases that have gone to the higher courts on the question of unlawful search and seizure on warrant taken on information and belief, or as Captain Little, who is in charge of the vice squad, said that he was obtaining what he called "observation warrants."

I refer you to the case of Baum Boy against United States, Ninth Circuit, Circuit Court of Appeals, February 20, 1928. This was a narcotic case and it was a warrant on the grounds that addicts were going into the St. Elmo Hotel and the policeman obtained a search warrant and searched the place. Judge Dietrich in reversing the lower court said:

Addicts presumably must lodge somewhere and that these persons went there for a legitimate purpose is fully as reasonable as the contrary assumption.

On May 15, 1934, as chairman of the District Subcommittee, I held a hearing on Senate bill No. 2925 and had present the district attorney, the superintendent of police, and other officials of the police department. At that hearing a colored man named Richard Green testified among other things that he was a numbers writer, and my colleague, Mr. DIRKSEN, from Illinois, asked him if he believed in a 600-to-1 shot in favor of the backer. Green denied that it was a 600-to-1 shot and began to tell how the game was conducted and the various expenses his boss had in connection with the game, including \$20 per month for police protection. My surprise at that time was that while the police authorities here want the right to obtain a search warrant on information and belief they permitted this man to go free without being molested. When I questioned Captain Little pertaining to this case he said that he had made an investigation of the case but that he did not recall making a written report nor did he have the colored man's address. It seems to me that what should have happened at that time was to have charged Green with gambling on his own statement and have him go before the grand jury and disclose the name of his employer in order to break up the business. It is for that reason that I have had no faith in the so-called numbers racket bill that has been before the District Committee for the past 5 or 10 years. I, for one, by my vote, will never consent to permit the search of a man's home on information and belief.

If any gentleman desires to ask questions, I shall be pleased to yield.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Does the gentleman understand under the terms of this bill that if a Member of Congress were carrying Irish sweepstakes tickets in his pocket, upon the complaint of some person who might not happen to like the way the Congressman parted his hair or what he was doing here, he could be picked up and arrested?

Mr. PALMISANO. No question about it.

Mr. O'MALLEY. And put in jail from 6 months to 3 years?

Mr. PALMISANO. Yes; no question about it. I may say that if you have a telephone number written on a slip and are picked up on some other charge, perhaps in connection with an automobile accident, and are taken to court, if the police construed that slip to be a numbers slip, you would be held unless you could give a satisfactory explanation.

Mr. O'MALLEY. All I am interested in is the safety of Members of Congress who may be carrying Irish sweepstakes tickets in their pockets.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Does the gentleman believe Members of Congress need protection from what the gentleman has suggested? This is a law for our own protection.

Mr. PALMISANO. Unfortunately, some Members of Congress are a little more open and aboveboard than others.

Mr. HOFFMAN. And gullible.

Mr. PALMISANO. And they agree they have faults, but some gentlemen will not admit it. The gentleman from Michigan stated the other day he was against all gambling.

I wanted to insert in the bill a provision making it a crime for anyone to have in his possession a horse-racing entry, but I was told such a provision would be in violation of the Constitution.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The objection made by the gentleman from Wisconsin should not worry the Members of Congress, when the Irish sweepstakes losers were 5,500,000 and the winners only 1,700 in number.

Mr. PALMISANO. I have no controversy about that question.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from New York.

Mr. DICKSTEIN. The gentleman from Maryland has made a considerable study of this bill and has made quite an impression upon many Members of Congress. Why do you provide for an ordinary misdemeanor, such as the possession of a policy ticket or a ticket used in any game of chance, a penalty of 3 years in prison and a fine of \$1,000, when for a similar offense down South or in my own city we charge the violators a dollar?

Mr. PALMISANO. The gentleman is misinformed when he says I make such a provision. In the first place, I have not proposed the bill.

Mr. DICKSTEIN. No; I say the law provides that.

Mr. PALMISANO. I have been against the bill, and I am am still against it, on general principles.

Mr. DICKSTEIN. May I call the gentleman's attention that we cannot even understand what is meant by section 863 on page 2? You have incorporated about 50 laws in that section.

Mr. PALMISANO. I do not know about that. I am opposed to it.

Mr. DICKSTEIN. Somebody ought to know about it.

Mr. PALMISANO. I reserve the balance of my time, Mr. Speaker.

(Mr. PALMISANO asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. PALMISANO. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. JONES. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. DIRKSEN. I yield to the gentleman from Texas, Mr. Speaker, for that purpose.

AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 9915) to amend the Agricultural Adjustment Act of 1938, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Texas. [After a pause.] The Chair hears none, and, without objection, the Chair appoints the following conferees: Messrs. JONES, FULMER, DOXEY, HOPE, and KINZER.

There was no objection.

Mr. MANSFIELD. Mr. Speaker, will the gentleman from Illinois yield for a unanimous-consent request?

Mr. DIRKSEN. I yield to the gentleman from Texas, Mr. Speaker.

SEA WALL AT GALVESTON HARBOR, TEX.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8524) authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex., with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 3, strike out the words "and directed."

Mr. SNELL. Reserving the right to object, Mr. Speaker, I do not know what this bill is, but I suppose it has been unanimously reported from the gentleman's committee.

Mr. MANSFIELD. I may say to the gentleman from New York this bill passed the House several weeks ago by unanimous consent. It provides for the completion of the groins for the protection of the sea wall at Galveston Harbor.

The money heretofore allocated was insufficient to complete the job, although it was authorized by the Congress. I introduced a bill simply authorizing and directing the Secretary of War to complete the job. The Senate struck out the word "directed" and just left the word "authorized," and I am satisfied with the amendment if it is agreeable to the House.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GAMBLING IN THE DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I believe the Members of the House would like to know a little something about this bill. You are aware by common knowledge or experience that the numbers game flourishes in the District of Columbia. The operators of the game, however, do not put themselves within the jurisdiction of the District. They stay over in Maryland or they may stay in Virginia, but in any event, they do not come within the District. So there is no jurisdiction here over the gentlemen who have the money and who do the banking for this business. They hire, of course, these gentlemen with little books consisting of sets of 50 slips, who go out and sell numbers. You can buy a number for 5 cents, you can buy a number for 10 cents, or you can buy one for 50 cents.

Here is the way the thing works. These gentlemen will walk up and down the street and somebody wants to buy a number. You can select your own number from any three digits up to a thousand. You tell them, for instance, you want the number 333. He takes out a pencil and this book with carbon paper in it and puts down 333. He gives you one slip and he keeps one in the book. He takes this other slip and sends it to the fellow who is backing this racket.

Now, here is the difficulty under existing law. The courts have held that this duplicate copy of a number slip is not a lottery slip and you cannot prosecute them. So what you do is this: If a gentleman comes up and buys a number, you can proceed against the possessor of the slip but not against the fellow who runs the racket.

This is existing law, and the only reason for the amendment in the first section of this bill is for the substantial purpose of including the word "copy," so that as this gentleman goes along the streets and highways of Washington with this little book in his pocket you can catch him for having a copy instead of the original lottery slip. This is the purpose of section 863, as amended, of the laws of the District of Columbia, at the present time.

Then the next section amends section 863 of existing law. It provides for a misdemeanor offense with a fine of \$500 for possession or imprisonment for 6 months, or both.

I have contended all along that if we are going to break up a racket like this we have got to put these people in jail. There is a lot of money involved here. This thing is not controlled down here, but is controlled in New York. You are familiar with Dixie Davis, who has been held in durance in Philadelphia, and with Dutch Flegenheimer, better known as Dutch Schultz, and hundreds of others who have been reaping hundreds of thousands and even millions of dollars from this racket. This is just an offshoot from the racket in New York City.

My notion is, if you are going to do anything with these fellows, you have got to chuck them in jail. So we have a misdemeanor provision here providing a fine and imprisonment.

It has been stated that under this bill you can go along in a free, easy, and whimsical fashion and grab somebody because he has a pair of Irish Sweepstake tickets in his

pocket and land him in jail, but you gentlemen know and my beloved friend from Milwaukee knows, it just does not work out that way.

If you will read section 3, which amends section 911 of existing law, you will see that all it does is to put this measure in line with the law of every other jurisdiction in the country. It is the commonly experienced or so-called information and belief section. If somebody goes before the police court or goes before the United States commissioner and on information and belief makes an affidavit describing the premises, describing the persons, and so forth, certainly the judge, if it looks like a reasonable case, is going to issue the warrant. This happens in my State, it happens in your State, it happens in the State of Michigan and it happens everywhere.

We have amended this section to provide that this warrant can be issued by the United States commissioner, as well as by the judge of a police court. There is a reason for this. Under existing law the police court has had to issue these warrants. The United States commissioner can issue them only in limited fashion under the Federal espionage act. So we are here giving him broader powers in the issuance of these warrants on information and belief where an affidavit has been made properly setting out the circumstances, describing the premises, and so forth.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield right at that point?

Mr. DIRKSEN. I will yield to the gentleman later.

Here is what you have to keep in mind when you tackle this gambling business. Obviously, it is illegal to play poker, obviously it is illegal to put money on a horse race, and, obviously, all these forms of gambling are illegal simply because public policy does not condone gambling. But, by social experience, social traditions, and otherwise, we have made some differentiation, as you so well know.

The police do not come in and break up a little poker game in a hotel room. What we are trying to get at is the commercial racketeer, who is taking a 600-to-1 shot from a lot of these people who lay out their money, where one in a blue moon will win. We cannot make any distinction as between one kind of gambling and another kind of gambling insofar as legislative language goes. You cannot stamp with legality one kind of gambling and say that that is social gambling, and then stamp with illegality commercial gambling, so far as the law is concerned, for the simple reason that there is no way of taking the gambling language and fashioning it in that way and still have any law left. That is a matter for administration. It has worked out everywhere else and we have to have this language if we are going to get at these commercial racketeers, who stay outside of the District of Columbia and send these nit-wits in to run the game. We have to get them and we have to have teeth in the law, and that is all this bill proposes to do, by modification of existing District law.

There is one other thing in the bill, and that provides for the destruction of gambling property if and when found. At the present time under the law you cannot destroy it. You can go in and raid a place and pick up some gambling paraphernalia, but unless you have seized the person and have obtained a conviction you cannot under existing law destroy the gambling paraphernalia. This law says that in the discretion of the court it may be destroyed. There is a good reason for that. They go out and grab up a lot of gambling tables, and they have to stick them into storage, and they have to pay storage on it. It cannot be destroyed. They have not seized anybody, they have not convicted anybody.

This bill proposes that if a machine is a gambling device, and it is illegal per se, that there be no necessity for arresting anybody or convicting anybody, but it may be destroyed within the discretion of the court. That is all this bill does, and I commend it to you. I think it is a good bill.

The reason the bill is here is something of an outgrowth of the so-called crime investigation that we had in 1935. I served on that subcommittee under the able chairmanship of my friend from West Virginia [Mr. RANDOLPH]. We have a volume of hearings here about 2 inches thick. We went

from A to Z into this crime situation in Washington, and then we began to criticize the authorities for not enforcing the law; and they came back at us and said, "If you want commercial gambling and racketeering eliminated from the District of Columbia you have got to give us legislation, you have got to give us a law with teeth in it." The answer is that here is the bill.

We are going to try to implement the law a little bit and then put the onus on them and say, "All right, we gave you the legislation, now you give us some results." That is the reason the bill is here. You gentlemen heard quotations that might have been made from the crime survey and from the testimony of Leslie Garnett when he was district attorney and reasons that he might have ascribed or reasons that he might have given before the committee for the pending legislation. Notwithstanding all of that, just take this bill for what the language says, and nothing more. I say if you do and if you pass it, you will have a good bill, and they are not going to bother somebody who happens to have a couple of sweepstakes tickets in his pocket.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. PALMISANO. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. O'MALLEY. I will not say anything more about the sweepstakes, because I do not want to embarrass anyone in this body, but the gentleman has indicated that this is the same law regarding search and seizure that is in every State.

Mr. DIRKSEN. Information and belief.

Mr. O'MALLEY. Does the gentleman know of any State in the Union where a warrant can be obtained on the following basis:

That the affiant believes and has good cause to believe.

In other words, that the affiant believes that he believes that something goes on. Does he know of any State where a warrant can be obtained under such language?

Mr. COLE of New York. Mr. Speaker, if the gentleman will permit, that very situation is in existence in the laws of the District of Columbia.

Mr. DIRKSEN. Yes; that is the language in the law at the present time.

Mr. O'MALLEY. What other States?

Mr. DIRKSEN. My State and the gentleman's State.

Mr. O'MALLEY. Oh, I contradict the gentleman there. The search and seizure process is in the constitution of my State.

Mr. DIRKSEN. I know that it is illegal to make a wager, but I will bet the gentleman a dollar that it is in the laws of the State of Wisconsin.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. KELLER. I want to know whether this condition, which the chairman said we put under the law, and which the chairman said he got through last year, improved here or not.

Mr. DIRKSEN. The chairman of the committee was reading from testimony that was offered before the crime committee and from statements that Mr. Garnett made at that time.

Mr. KELLER. He made the statement that he drew a bill and I want to know whether this condition has improved any under that bill or has gotten worse.

Mr. DIRKSEN. We did not have any improvement in the legislation at that time. The gentleman did not mean to indicate that there was any change heretofore in the substantive law.

Mr. PALMISANO. I think the gentleman must refer to the law about women on the streets.

Mr. DIRKSEN. Is that what the gentleman has in mind?

Mr. KELLER. Oh, no. I want to know about the gambling that is going on.

Mr. DIRKSEN. We have been all this time trying to get this bill before the House. It is for the purpose of putting some teeth into the law so that we can improve the situation.

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. O'MALLEY. Can the gentleman explain to the House how it is that only within the last year have the police and law-enforcement authorities of this District discovered that gambling is going on to such a great extent?

Mr. DIRKSEN. They did not discover it last year, they have known it for quite some time, but Lieutenant Little of the vice squad came before our committee and said, "I have no authority to seize these people." You run head on into a Supreme Court decision which says that the lottery ticket is the evidence of gambling, not the copy that the numbers runner carries, the man who is the agent of the banker and the taker in the lottery.

Mr. O'MALLEY. Does the gentleman mean to say that when the police discover these despicable characters in the District of Columbia they cannot throw them into jail for 90 days on a vagrancy charge or run them out of the District?

Mr. DIRKSEN. Law-enforcement officials of the District of Columbia say that this law is absolutely necessary before they can get the real parties in interest. That is the whole case in a nutshell. I hope no red herrings will be drawn across the trail to create confusion.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, I may say that I had not intended to speak upon the pending measure except that my name has been mentioned several times in connection with a subcommittee which 3 years ago, approximately, held exhaustive hearings in connection with crime conditions, and particularly law-enforcement agencies in the District of Columbia. This measure, as it comes to us today, is at least partly an outgrowth of conditions which were explained to the special committee at that time.

During the first session of the Seventy-fifth Congress the Senate unanimously passed a measure similar to that which we have before us for consideration today, and in this connection it might be well to read certain excerpts from the Senate committee report at the time the measure was pending in the other body.

The purpose of this bill—

Said the Senate report—

is to strengthen the existing laws relating to gambling in the District of Columbia. Attempts to enforce the present laws have shown the difficulty, indeed the impossibility, in securing not only convictions, but also indictments under charges of violation of the various provisions of the District Code, due to the unwillingness and refusal of those found and arrested in gambling establishments to admit their participation in betting or gambling or of observing the operation of gambling devices or placing of bets in such places.

The gentleman from Illinois, a distinguished Member of the House, has given a great deal of time and thought to this matter. He spoke of permission granted by the bill to destroy gambling equipment seized in these raids, within the discretion of the court. Heretofore these devices have had to be held pending some action and the District of Columbia has paid out huge sums of money for their storage. To continue with the report of the Senate committee, I read the following:

During the last few years and long since the existing law was enacted a new gambling game or device called "numbers" has sprung up and is now flourishing in the District of Columbia. It is said that the principals carrying on this game realize about \$3,000 per day on their operations. The amounts which may be played range from 1 to 50 cents. It is reported that this numbers game makes a special appeal to those of little means—porters, messengers, domestic servants, and the like; particularly is there an allurements to the young and immature; school children in considerable numbers invest in the slips which represent chances in securing the prize money. The chance of winning is, so we are informed, 1 to 1,000; the winning number pays about \$25 to \$30 on a 5-cent chance.

I do not care to read further from the report, but simply say to the Members of the House this afternoon that this measure comes before them with the almost unanimous approval of the House Committee on the District of Columbia, following the reporting of the bill to the full committee by the special subcommittee headed by the gentleman from Mississippi [Mr. McGEHEE], which subcommittee held hearings on the measure.

We might as well face the facts this afternoon that we are never going to curb this or any other type of gambling which leads to a bad criminal condition in the District of Columbia if we, as Members of Congress, are going to be afraid of some means by which the law might attach itself to us, and I trust that the Members of the Congress of the United States this afternoon will speedily pass this measure and give to the enforcement agencies of the District of Columbia the so-called teeth for which they have asked to bring about a stoppage of this condition in the District.

Mr. SHAFER of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. SHAFER of Michigan. The gentleman remembers that, with the exception of one member, the entire membership of the Committee on the District of Columbia voted to report this bill favorably.

Mr. RANDOLPH. That is true, I may say to the gentleman from Michigan; and I say it in all deference to the gentleman from Maryland, the distinguished chairman of our committee, who I know feels very deeply on this subject. I feel just as deeply on the opposite side of the question which is now before us.

Mr. PALMISANO. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I want to reply to the statement just made by the gentleman from West Virginia. He stated that the members of the committee, with the exception of myself, reported this bill unanimously. However, may I say that several members did not vote. I made my explanation to the Members of the House to give my reasons why I opposed this bill, and I oppose it because of that one special provision.

Since the gentleman from Illinois [Mr. DIRKSEN] spoke about this being a 600-to-1 shot, I may give another reason why I oppose this bill. We had a witness before our committee in 1934, and the gentleman from Illinois asked him whether he believed in a 600-to-1 shot. In the presence of police authorities and enforcement authorities in the District of Columbia this man made the remark that it was not a 600-to-1 shot. He stated further he was a numbers writer, that his boss was losing money, and he explained the expenses that his boss was put to. Included in these expenses was \$20 a month for police protection. To my surprise there was not a police officer, Lieutenant Little or anyone else, who denied that statement. If that statement was not true, they should have grabbed that fellow and had him arrested and locked up. They should have had him before the grand jury and made him tell who his boss was who was giving graft to the police authorities.

I have always been against this particular provision of the bill.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Speaker, I yield myself 3 additional minutes.

Mr. RANDOLPH. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. May I say again I have a high regard for the gentleman's sincerity in connection with the one point he brought out? The gentleman just said that we have not been able to reach the so-called higher-ups in the numbers game in the District of Columbia. That is the real reason why the law-enforcement agencies of the District have come before our committee and asked that we pass this measure and that we put teeth in the law, so that they can

bring about the conviction of the so-called higher-ups in gambling in the District of Columbia.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is that not what was stated before the entire committee the other day at a hearing upon this particular measure? In other words, did not the police authorities state they were powerless to carry out the complaint which the chairman of the committee makes?

Mr. RANDOLPH. That is true.

Mr. COLE of New York. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from New York.

Mr. COLE of New York. The gentleman has expressed considerable concern over this so-called information warrant. Is it not true that information warrants are now used in order to apprehend illegal gambling apparatus and that this amendment only enlarges that clause?

Mr. PALMISANO. I may say in response to the gentleman from New York that his statement is correct. They have a provision in there which pertains to counterfeit money, burglary, and so forth. I stated that I could readily see why we might stretch a point and give the police authorities perhaps some little unlawful authority, if you please, in order to catch that class of criminals. But when it comes down to the 5-cent numbers racket I think they are going too far. I was in favor of drawing a special bill for the so-called numbers racket without that provision.

Mr. COLE of New York. It is true that information warrants are now obtainable under existing law?

Mr. PALMISANO. Yes; but that does not change the Constitution.

Mr. COCHRAN. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Missouri.

Mr. COCHRAN. Has the gentleman defined the committee amendment on page 2, starting with line 21, and also section 863? As I read the two provisions, it seems to me the purchaser of a numbers slip, if it is found in his or her pocket, under those provisions of the bill would be subject to the same penalty as the person who was running the racket.

Mr. PALMISANO. I may say in Baltimore when they tried to break up the racket some time ago, a nickel writer was held on a \$25,000 bail.

Mr. COCHRAN. That is not answering the question I asked the gentleman. I asked whether or not the purchaser of a ticket would be subject to the same penalty as the individual who was conducting the racket?

Mr. PALMISANO. Yes.

Mr. COCHRAN. It seems to me that is going very far. I would like to see proper legislation that will stop the racket but this appears to me to be a joker.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that in Baltimore we had one of the worst police scandals in years and anyone acquainted with the situation knows fully well the head of the numbers racket was killed after being taken for a ride?

Mr. PALMISANO. Under that bill possession was considered a crime. I am afraid you will put a number of the police officials in the District of Columbia in the same class as those you are talking about over in Baltimore.

Mr. COCHRAN. Would it not be advisable, if we have that kind of people on the police force, and I do not admit we have, to get rid of them?

Mr. PALMISANO. Yes.

Mr. COCHRAN. The bill may do some good in that respect.

Mr. PALMISANO. Yes.

Mr. POWERS. Does not the gentleman think we are spending a lot of time on people here who are buying 5-cent numbers tickets when every newspaper in the country is giving free advertising to the Irish sweepstakes?

Mr. PALMISANO. Yes; that is right.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. How much time is the police of the District of Columbia spending on this numbers racket?

Mr. PALMISANO. I understand they have a squad consisting of 16 or 17 police officers.

Mr. LEWIS of Colorado. Sixteen or 17 and they ask now to have this law strengthened; is that correct?

Mr. PALMISANO. That is right.

Mr. LEWIS of Colorado. Do the laws in regard to burglary, rape, and highway robbery need strengthening, or are they now sufficiently strong?

Mr. PALMISANO. They are.

Mr. LEWIS of Colorado. Why do not the officials of the District of Columbia spend more time in guarding the public against those major crimes and in apprehending the perpetrators instead of trying to pick up some poor fellow who is so foolish as to wager a nickel or a quarter on a numbers chance? That is what I would like to know.

Mr. PALMISANO. I understand that has been a problem in the District, and a considerable number of criminals have not been apprehended.

Mr. SPEAKER. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GROUP HEALTH ASSOCIATION, INC.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, on March 17 and again on March 22 the House graciously permitted me to present certain information about a controversy which has developed between the Group Health Association, Inc., and the Medical Society of the District of Columbia involving on the one hand approximately 2,600 Federal employees and their dependents and physicians and on the other hand officers and members of the medical society. Included in the controversy is the question whether members of the Group Health Association and the physicians of their choice have the right to use the hospitals of the District of Columbia or call into consultation physicians who are members of the Medical Society of the District, and, generally whether the members of the Group Health Association can conduct their activities without the destructive interference of officers and members of the medical society.

In the course of my remarks on both occasions I made statements which reflect seriously upon the behavior of leading representatives of the Medical Society of the District of Columbia, and, if adequately verified, make clear that in their conduct toward the members of Group Health Association they have acted harshly, unjustly, and against sound public policy.

Under date of March 23, Dr. Francis X. McGovern, acting as chairman of the public relations committee of the District Medical Society, wrote me a letter which was received in my office on March 24, when I was out of the city, in which he alleges that one element of one of the statements cut of the many statements made by me before the House was grossly untrue. Before my return to Washington and before I had an opportunity to read his letter, Dr. McGov-

ern gave copies of it to the newspapers. After reading the newspaper accounts of Dr. McGovern's letter, and subsequently the letter itself, I gave public notice that the allegations of Dr. McGovern, representing the Medical Society of the District, together with all the other allegations which have been made concerning the treatment of members and employees of the Group Health Association, should be fully investigated by an impartial body qualified to determine and appraise the facts and to represent the public in dealing with them.

Accordingly, with your permission, I shall present a resolution calling for an investigation by a select committee of the House, which shall be empowered to take testimony under oath and to subpoena witnesses who possess information which the House may find useful in dealing with this important matter.

It is encouraging to learn of a statement which appeared in the newspapers last Saturday night, in which it is reported that Dr. McGovern, in his capacity as chairman of the public relations committee of the District Medical Society, stated:

The Medical Society heartily welcomes any investigation that any committee of Congress may choose to make.

The society will furnish the committee with every fact and with all information at its command, and will cooperate wholeheartedly and in every possible way.

The Medical Society has nothing whatsoever to conceal. On the contrary, it is happy at the opportunity of bringing to light any facts which otherwise might escape the public notice.

The society has been governed in all of its activities by only one consideration—the public interest.

Before presenting a resolution authorizing an investigation, I desire to submit several statements in addition to those already reported concerning the activities of the officers and members of the Medical Society of the District of Columbia, so that these, as well as others now before the House, may be dealt with by an investigating committee.

One of the first serious cases with which physicians employed by Group Health Association had to deal involved contusions and compound fractures as a result of an automobile accident suffered by one of the association's members. The member was taken in an unconscious condition to one of the local hospitals. A Group Health physician was permitted to see the patient on the night of the injury, but when it became apparent that he desired to use operative means in treating the fractures he was informed by the hospital superintendent that an operation had not been anticipated by them. Finally, he was permitted to operate, with results so commendable that he was congratulated by physicians on the hospital staff. Although the Group Health doctor was permitted to continue treating the case until it was discharged from the hospital, he was advised that he could not bring another case to the hospital until given specific permission to do so, which permission has never been granted.

Another patient was found by her landlady in an unconscious condition on the floor of her bathroom. A neighboring doctor was immediately called. Upon regaining consciousness the patient asked for the services of one of the doctors employed by the Group Health Association. On this occasion Dr. Allan E. Lee was called. Upon his arrival, after an examination, he determined that an emergency operation was immediately necessary. He ordered the patient sent to one of the local hospitals. Since the surgeon employed by the Group Health Association had not been extended courtesy privileges at the hospital, it became necessary to arrange for the employment of a local physician who enjoyed courtesy privileges at the hospital to perform the operation. The surgeon employed promptly visited the patient in her room at the hospital upon her arrival there. It was understood by Dr. Lee that the surgeon would make all necessary arrangements for the operating room, anesthesia, and so forth, and would proceed with an emergency operation. An hour or two later, when Dr. Lee arrived at the hospital, he was met in the corridor by the surgeon employed to operate, who at that time was in the company of several other doctors. The surgeon in a loud voice stated to Dr. Lee that he understood the

patient was entered in the hospital as a patient of Group Health Association, and that if that were true he could not touch her, as it would put him in a bad spot. Dr. Lee attempted to explain to the surgeon that the case was an emergency one and that time was an important factor in its successful handling. It was not, however, until Dr. Lee emphatically assured the surgeon, not only of his own membership in the District Medical Society but also of his membership on the courtesy staff of the hospital, and that because of his own courtesy privileges he had entered the patient as a private patient of his, that the surgeon was induced to perform the operation. Fortunately, in spite of the delay, the operation was successful, and the patient, after a protracted period of recuperation, recovered and was able to resume work.

Let me present another incident. A member of the Group Health Association who had taken out a family membership—that is, a membership which permits treatment of dependents—had included in the list of dependents her husband and two children, aged 6 and 9, respectively. Also dependent upon her and living in the same house were a father-in-law and mother-in-law.

These were not listed as her dependents because of her belief that they were not eligible for treatment as dependents, notwithstanding the fact that her husband had for a long time been out of work and had only recently obtained a position as a commission salesman. His commissions were inconsequential, and it therefore took her entire salary to provide the bare necessities of life. A physician who had previously attended the family asked if she was a member of Group Health Association. When told that she was he informed her that so long as she had anything whatever to do with the association he would refuse to answer any sick calls at her home. This meant that her father-in-law and mother-in-law, whom she had not included as dependents, were without medical care unless she resigned from Group Health Association.

In my statement to the House last week I referred to the case of Dr. Allan E. Lee, and reported that due to pressure from the local medical society he was forced to resign from the Group Health Association, whereupon he was immediately restored to good standing in the District Medical Society. You will be interested in certain additional facts concerning this case. While still a member in good standing with the District Medical Society he was notified by a hospital in which he enjoyed courtesy privileges that since he was no longer a member of the District Medical Society these privileges would no longer be available to him. When Dr. Thomas Neill, president of the District Medical Society, was consulted it was learned that Dr. Lee was still a member in good standing in the society, and Dr. Neill requested that the hospital be so informed. When the hospital was consulted it was learned that they had acted upon a rumor and that they were reinstating Dr. Lee to full courtesy privileges. Later, when it became known that Dr. Lee was a physician employed by Group Health Association, he was confronted with charges of violating the constitution and bylaws of the District Medical Society and notified that unless he resigned from the Group Health Association he would be expelled from the society. Dr. Lee informed the medical society that he had carefully considered the matter before joining Group Health Association, that he was in full sympathy with its purposes, and that he intended to retain his position in the Group Health Association.

Later, however, he was made guest of honor at a dinner given by a group of physicians, all of whom were members of the medical society. Following the dinner he was bombarded and cajoled until 3 o'clock in the morning, and was placed under such pressure by his associates that he concluded that professional work with the Group Health Association under conditions imposed by the medical society and its members would be unbearable. Before he left the hotel at which he was the guest of the members of the medical society he had promised to resign, and formally did resign before the end of the day. Dr. Lee reported to the presi-

dent of the Group Health Association that no one would know the extent to which he had been tormented by his brother members of the medical society, and that so long as he retained his position in the Group Health Association he was not only persona non grata with the members of the District Medical Society but virtually ostracized by his personal friends and professional associates.

I referred also in my statement to the House last week to the fact that Dr. Selders, the surgeon employed by Group Health Association, had received notice that he was about to be expelled from the Harris County Medical Society of Houston, Tex. A friend of his, who is a leading physician in Houston, has written that he hopes Dr. Selders will come out on top when the case is considered by the medical society on Wednesday, March 30. In his letter, the physician stated that the Harris County Medical Society has a fairly large group of men engaged in contract practice for the railroads, refineries, insurance companies, United States Government, and other employers and groups of citizens. In his letter he listed a large number of local physicians who enjoy not only local but national prominence, some of whom are officers of State or local medical societies and each of whom is now engaged in salaried or contract practice.

In spite of this and as shown by correspondence, under pressure from the Medical Society of the District of Columbia, Dr. Selders is threatened by his local Texas society with the same fate that befell Dr. Scandifio in his expulsion from the Medical Society of the District of Columbia.

It must be clear from the limited information given in the time available that the officers and members of the District Medical Society have subjected the physicians of the Group Health Association to severe embarrassment and mental torture. As you no doubt have surmised, they are not alone in this action. They have been aided and abetted by officers and members of the American Medical Association, who are guilty of disseminating false and misleading information about the purposes and activities of the Group Health Association, and by officers and members of State and local District medical societies who have joined with officers and members of the American Medical Association in seeking to make it impossible for members of Group Health Association to employ the services of their own physicians or to enjoy customary hospital facilities.

As evidence that the hostility of certain members of the medical fraternity had not been confined to local representatives of the District Medical Society and has not been confined to attacks upon Group Health Association alone, let me give you some additional facts. No sooner had the local Group Health Association become active than a committee of the District Medical Society went to Chicago—the national headquarters of the American Medical Association—to enlist the support of that body. From then on the American Medical Association has kept up a continuous barrage of attack supported by petitions, resolutions, and personal influence from representatives of State and local medical societies. The American Medical Association has spread insidious, false, and harmful propaganda against Group Health Association and has also intensified its attack, which has been going on for several years, upon cooperative and other mutual organizations of similar character in other parts of the United States. Some of these which were newly organized have been unable to get under way while others, which have been in successful operation for years, have suffered new indignities.

In St. Louis, a group of doctors who have been giving fine service to the Wage Earners Health Association have been notified that they will be ousted from the local medical society at the first possible opportunity. Here the fight has gone so far that there is a movement attacking the members of the staff of the Missouri Pacific Railroad Hospital.

In Milwaukee, Wis., the members of the Milwaukee Medical Center, a group of doctors who have had the finest reputation in their community, have served on the staffs of leading hospitals and have even been members of the teaching staffs of medical institutions, have been ousted from the

local medical society on the ground of contract practice and behavior contrary to the public good.

In Akron, Ohio, where plans have been under way for the establishment of a large voluntary health association, using the unions as a backbone, the medical society has frankly stated to the organizing committee that if such an association was formed, the medical society would see to it that the hospitals denied their accommodations to patients who were members of the association.

In San Diego, Calif., the doctors who have been serving the San Diego Beneficial Society for about 5 years suddenly find themselves confronted with threats of being ousted from the local medical society.

The Voluntary Health Association of San Francisco, which by city charter provides medical and hospital service for nearly 9,000 municipal employees and their dependents, is finding it impossible to get into operation because the county society has notified the organization committee that it would oust any doctor whom they would employ.

In Little Rock, Ark., a group of physicians who have been practicing what is known as group practice and have also had a prepayment plan, deliberately resigned from the medical society rather than be kicked out.

It has become apparent here in Washington, as I have pointed out, that a group of doctors who are at present in control of the District Medical Society and, through that society in control of our local hospitals, are using their position to keep qualified physicians out of the hospitals and to prevent citizens who are sick from employing physicians of their own choice when they require hospitalization. Within the past few days the trustees of several of our leading hospitals have admitted that, although they have not abdicated, they are powerless to enforce their own judgment as to the administration of hospitals when their judgment runs contrary to that of their medical staffs.

I am informed that trustees of several hospitals have expressed willingness to open their hospitals to members of the Group Health Association and to physicians employed by Group Health Association; but in view of the attitude of the members of their medical staffs, they are utterly unable to make any provision which would admit Group Health members in the care of their Group Health physicians. These trustees have been clear that unless the hospitals act in unison in admitting members and physicians of Group Health Association, the physicians holding membership in the District Medical Society would boycott the individual hospitals and take from them the revenue they need to keep going.

It is quite evident from information furnished to me that the doctors on the medical staffs of our hospitals maintain a control over our hospitals which makes their trustees in matters of the character with which we are here concerned comparatively helpless. Medical staffs in our local hospitals are able to prevent doctors not favored by them or disapproved by other members of the District Medical Society from using the hospitals. Thereby they impose restrictions upon patients requiring hospitalization which appear to be in conflict with the public interest.

It is high time that Members of Congress have before them the facts which have been developed out of the present controversy, so that we may deal both with problems of hospitalization and of medical care in such a way as to assure Federal employees and other residents of Washington the use of the hospitals and the free employment of physicians of their choice to the full extent of their resources and without discrimination.

Has it after all come to this, that a group of citizens are unable to join together in the employment of a group of doctors without experiencing severe limitations in the use of hospital facilities, and without incurring the ruthless opposition of representatives of the Medical Society of the District who temporarily are in control? Is it possible that the public, which supports both doctors and hospitals, has no voice in establishing justice and fair dealing? Are Federal employees to be subjected to the autocratic, domineering, inhuman discrimination which I have described purely because

they desire to enjoy the benefits of a mutual, cooperative association through which they can employ physicians to attend them?

It is an amazing spectacle in the year 1938 to witness the efforts of a group of physicians here in Washington and in other cities of the United States, who are determined to check the course of progress toward a more humane, comprehensive, and efficient service in dealing with sickness and the prevention of disease. Officers of the Group Health Association report that there are more than 40 cases involving their members or dependents which now require hospitalization, but that hospitalization for all of these cases, which are classed as elective surgery, is deferred until the members can be assured of admission to the hospitals for treatment by doctors of their own choice.

Because the situation is one of national as well as local concern, involving as it does the health and welfare of citizens of low income who require adequate medical attention and the cooperation of physicians and hospitals enjoying, in a sense, a public franchise, and because the controversy that has developed requires immediate attention, I have offered today a resolution authorizing the appointment of a committee to investigate the controversy between the Group Health Association and the Medical Society of the District of Columbia.

EXTENSION OF REMARKS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein an article on Social and Economic Implications by S. Howard Evans.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1939

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9995, with Mr. LUTHER A. JOHNSON in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

SALARIES, WAR DEPARTMENT

For compensation for personal services in the District of Columbia, as follows:

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the first bill brought before the House by the Committee on Appropriations in the last 10 years, that I can recall, where the amount that can be spent under the bill exceeds the amount of the Budget estimate. Under the provisions of this bill as a result of contract obligations and reappropriations that have been made there can be spent \$2,360,396 more than the Budget estimate. Some estimates have been reduced and some reappropriations have been made, but the net result is that there can be spent on the passage of this bill, if it goes along as it is, \$2,360,396 more than the Budget estimate. Unless a procedure of this kind is absolutely necessary for national defense we should not follow it.

I am going to ask some questions of the chairman of the subcommittee as we go along and shall ask him to give reasons for the increases. I am going to ask him one question right now, while I am on this subject, because the matter about which I wish to ask occurs in the next paragraph. For instance, there is allowed an increase of \$9,900 over last year in the salary item of the office of the Secretary of War. I should like to have the chairman of the subcommittee give some reason for adding this \$9,900 to the salary

item. Frankly, I do not believe the duties in that office have increased to the extent an increase in salary is required. I should like to see the chairman of the subcommittee justify this increase, if he can.

Mr. SNYDER of Pennsylvania. Mr. Chairman, in answer to the gentleman from New York, I call the attention of the Committee to the following justification. One item of that increase is \$1,800 for one stenotype operator. Then, there are three clerks at \$1,440 each, and reallocations to the extent of \$3,480, less reductions on account of lapses of \$1,300, or a total of \$9,900. On page 649 of the hearings you will find the justification for all of the items.

[Here the gavel fell.]

The Clerk read as follows:

PAY OF THE ARMY

For pay of not to exceed an average of 12,300 commissioned officers, \$34,331,943; pay of officers, National Guard, \$100; pay of warrant officers, \$1,371,836; aviation increase to commissioned and warrant officers of the Army, including not to exceed five medical officers, \$2,419,037, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; additional pay to officers for length of service, \$10,275,191; pay of an average of not to exceed 165,000 enlisted men of the line and staff, not including the Philippine Scouts, \$68,008,504; pay of enlisted men of National Guard, \$100; aviation increase to enlisted men of the Army, \$660,128; pay of enlisted men of the Philippine Scouts, \$1,050,447; additional pay for length of service to enlisted men, \$5,437,353; pay of the officers on the retired list, \$13,123,676; increased pay to not to exceed seven retired officers on active duty, \$8,213; pay of retired enlisted men, \$13,725,080; pay not to exceed 60 civil-service messengers at not to exceed \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, \$72,000; pay and allowances of contract surgeons, \$42,276; pay of nurses, \$949,720; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$6,688,780; subsistence allowances, \$6,607,216; interest on soldiers' deposits, \$45,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$100; in all, \$165,316,700; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund: *Provided*, That during the fiscal year ending June 30, 1939, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That no part of this or any other appropriation contained in this act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department, nor for the pay of any such person beyond the period of enlistment or termination of employment, but nothing herein shall be construed as applying to instructors of foreign languages at the Military Academy, or to Filipinos in the Army Transport Service, or to persons employed outside of the continental limits of the United States except enlisted men of the Regular Army, other than Philippine Scouts, upon expiration of enlistment and this provision shall be subject to the provisions of the act entitled "An act for the protection of certain enlisted men of the Army", approved August 19, 1937: *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations and retirement deductions, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to call attention to the fact that this item on page 11 of the bill of \$165,316,700 is \$3,490,576 above last year's figures.

I wonder if the gentleman from Pennsylvania can give us any justification for this figure, and if he can tell us any reason we should have an increase of three and a half million dollars on this particular item. I do not understand it calls for additional personnel, but largely for increased operating expenses. I wish the gentleman would explain this item somewhat.

Mr. SNYDER of Pennsylvania. Mr. Chairman, on page 8 of the report, under "Pay of the Army" under the head of

"Finance Department" will be found what I believe to be sufficient justification for the increase of \$3,490,576.

The personnel upon which the estimate is based is detailed at page 113 of the hearings. The major portion of the increase covers the following items: 50 second lieutenants, \$81,000; provision for pay for a full year for the increase of 75 first lieutenants of the Medical and Dental Corps for whom 9 months' pay was provided in 1938, \$37,500; additional grades and ratings, \$644,415; subsistence allowances, officers, \$425,231; allowance for quarters for enlisted men on duty where public quarters are not available, \$302,220; longevity pay, enlisted men, \$266,885; longevity pay, officers and warrant officers, \$664,596—

Mr. TABER. May I ask the gentleman this question? I realize they are the items involved, but I do not see why these things should be piling up on us every year without any substantial increase in personnel. We have an increase here of \$500 apiece for these first lieutenants and you have an increase here for 50 second lieutenants amounting to \$81,000. This means almost \$2,000 apiece, and it does seem to me as if this whole thing is altogether out of line.

Mr. SNYDER of Pennsylvania. I may say to the gentleman from New York that we provided last year for their pay for only a portion of the year, while this appropriation is for the entire year.

Of course, this committee has not anything to do with setting up the pay laws. They are set up by the Congress and all we can do is to comply with the pay laws in existence and provide the money to fill the different requirements. In other words, this entire additional amount of \$3,490,576 may be said to be responsive to pay laws set up by the Congress itself for the Army.

Mr. TABER. Are they not increasing the number in the higher grades more rapidly than the percentage limits permit?

Mr. SNYDER of Pennsylvania. No; that would not be lawful. As the gentleman knows, seniority obtains in the Army. In the Navy we have the selection system. In the Army advancement depends upon attrition incident to what I may term "normal causes" and does not come through vacancies created in order to accelerate promotion.

The Clerk read as follows:

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Mr. FADDIS. Mr. Chairman, I make a point of order against the language contained in lines 12 to 22, inclusive, on page 13, that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FADDIS. I do not believe that is necessary, Mr. Chairman. This does not decrease any appropriation and does not provide for a decrease in personnel or anything of that kind, and is purely legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. SNYDER] desire to be heard on the point of order?

Mr. SNYDER of Pennsylvania. Mr. Chairman, I believe this is just a straight-out limitation, and I do not believe it comes within the provision referred to.

The CHAIRMAN. What about the last proviso in the last three or four lines of the paragraph:

That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War?

Mr. SNYDER of Pennsylvania. I may say to the Chair that that does not give any more authority than now exists. It just accepts the authority now existing.

The CHAIRMAN. Then, under existing law, why is it necessary to have that provision?

Mr. TABER. Mr. Chairman, it would seem to me that that proviso is clearly a part of the limitation above, because it simply excepts an officer publishing something already permitted by regulations of the Secretary of War. The language is clearly a limitation on an appropriation bill. There is no attempt at legislation, no additional duties required of any officer, or anything of that kind.

Mr. SMITH of Connecticut. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. SMITH of Connecticut. Does this entire language appear in the present appropriation act?

Mr. SNYDER of Pennsylvania. It does.

Mr. SMITH of Connecticut. Is that proviso new language?

Mr. SNYDER of Pennsylvania. No.

The CHAIRMAN. The Chair is of opinion that the explanation made by the gentleman from New York [Mr. TABER] is correct; that the last proviso is simply an exception from the limitation, and the Chair, therefore, overrules the point of order and holds that the paragraph is a proper limitation.

Mr. ENGEL. Mr. Chairman, the testimony on page 124 of the committee hearings shows that the average pay of the enlisted man in the Army last year was \$437.29 a year while the average pay of the enlisted man in the Navy was \$826.81 a year. In other words, the enlisted man in the Navy received an average of \$391.52 a year more than the average enlisted man in the Army received.

The record further shows that last year the United States paid 162,000 enlisted men in the Army \$70,842,311.96 while during the same year we paid 107,785 enlisted men in the Navy \$89,118,089. The record shows that we paid 107,785 enlisted men in the Navy nearly \$19,000,000 more than we paid 162,000 enlisted men in the Army. If we had paid the enlisted men in the Navy at the same rate per man that the enlisted man in the Army received, the enlisted pay roll of the Navy would have been \$47,102,045 instead of \$89,118,089, or the Government could have reduced the Budget and made a saving of \$42,016,044.

To me it seems an absolute injustice to pay the enlisted personnel of one branch of our national defense nearly twice the amount that the enlisted personnel of the other branch receives.

I am making this observation particularly in view of the increased naval appropriation bill passed by the House within the last few days.

The Clerk read as follows:

MILITARY POSTS

For construction and installation of buildings, flying fields, and appurtenances thereto, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (10 U. S. C. 1339; 40 U. S. C. 267); general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary; to remain available until expended and to be applied as follows: For work authorized by the act approved May 14, 1937 (50 Stat. 103): At Savanna Ordnance Depot, Ill., \$341,137; at Camp Stanley, Tex., \$218,118; for work authorized by the act of August 12, 1935 (49 Stat. 610-611): At Hickam Field, Hawaii, \$786,000; navigation aids at various stations, \$270,025; housing and technical facilities, Air Corps intermediate station, Connellsville, Pa., \$50,000; and runway at Hamilton Field, Calif., \$350,000; for work authorized by the act of August 26, 1937 (50 Stat. 857-862): At Fort Benning, Ga., including an additional amount for the completion of the water-system project, \$450,000; Chanute Field, Ill., \$1,500,000; Fort Clayton, Canal Zone, \$650,000; Air Corps Technical School, Denver, Colo., \$1,385,000; Fort Knox, Ky., \$850,000; Fort Monroe, Va., \$81,500; Panama Canal Zone, \$328,000; Schofield Barracks, Hawaii, \$785,100; Fort Barrancas, Fla., \$87,000; and Army and Navy General Hospital, Hot Springs, Ark., \$35,000; in all, \$8,166,880: *Provided*, That contracts are hereby authorized to be entered into and obligations otherwise incurred in excess of the preceding stipulated amounts, as follows: Chanute

Field, Ill., \$575,000; Fort Clayton, Canal Zone, \$178,000; Air Corps Technical School, Denver, Colo., \$150,000; and Fort Knox, Ky., \$187,200.

Mr. TABER. Mr. Chairman, I make the point of order against the language, beginning with the word "housing," in line 24, page 26, and ending with the figures "\$50,000" on page 27, line 1:

Housing and technical facilities, Air Corps intermediate station, Connellsville, Pa., \$50,000.

I do this because it is not authorized by law.

Mr. SNYDER of Pennsylvania. Mr. Chairman, the item is not subject to the point of order because clause 7 of section 1 of the act of August 12, 1935, specifically provides for such intermediate stations as will provide for transcontinental movements incident to the concentration of the general headquarters, Air Force, for maneuvers. The Connellsville airport has been approved by the Secretary of War as an intermediate landing field, and, if the Chair desires more than my word for it, I should be glad to hand him a letter I have received from General Craig, the Chief of Staff, advising me of such action.

The CHAIRMAN. The Chair asks the gentleman to send that letter to the desk. Does the gentleman from New York care to be heard further?

Mr. TABER. I do. There is nothing to indicate anywhere in the letter that the Secretary of War has filed that he has given attention to the consideration of four requirements set forth in section 1 of the bill to which the gentleman refers. There are four requirements, and in order to bring any one of these stations under the act, every single one of these requirements must be met, and there is nothing in the documents available to indicate that those requirements have been met.

Mr. SNYDER of Pennsylvania. Mr. Chairman, all of the requirements that the gentleman speaks of have been met, or the Secretary of War would not have acted as indicated in the letter I have just sent to the Chair.

Mr. TABER. I suggest to the Chairman that it is absolutely necessary that the Secretary of War under a statute such as this, in order to accomplish the authorization, present a determination on his part that those requirements have been met.

Those requirements are specifically set forth, and before an authorization can be made under the act these requirements must be met and the Secretary of War must have made a finding that the requirements were met. There is nothing to indicate that.

Mr. SNYDER of Pennsylvania. Mr. Chairman, replying to the gentleman from New York, I may say that the letter I hold in my hand indicates that the Secretary of War has met the requirements of the law. The act itself provides—

That the Secretary of War is hereby authorized and directed to determine in all strategic areas of the United States, including those in Alaska and our overseas possessions and holdings, the location of such additional permanent Air Corps stations and depots as he deems essential—

And so forth. He has made the determination in this case, as is evidenced by General Craig's letter.

The CHAIRMAN (Mr. LUTHER A. JOHNSON.) The Chair is ready to rule.

The act of August 12, 1936, confers upon the Secretary of War authority to establish intermediate stations in compliance with the terms of that act. The chairman of the subcommittee has furnished the Chair with a letter dated March 22, 1938, from the War Department advising that the Secretary of War under this authority has designated Connellsville, Pa., as an intermediate station and that it had been so designated by the Secretary of War.

The gentleman from New York makes the point of order that before the Secretary of War could make such a designation he must comply with certain provisions of the act. The Chair would not be warranted in assuming that the Secretary of War disregarded the provisions of the law. Since the Secretary of War has made the designation, the Chair thinks it is proper to assume that the Secretary has

carried out the provisions of the law giving him that authority; in other words, the Chair does not think that it is necessary for the Chair to assume that the Secretary of War would violate the act. The proper assumption would be that he had complied with the law.

Mr. TABER. Mr. Chairman, it seems to me that the burden is upon the gentleman from Pennsylvania, inserting this item in the bill, to show that the Secretary of War has legally made a designation of this place as an intermediate air station in accordance with the provisions of law and that he has met the four requirements that are set forth in the statute. I do not think a mere letter from the Secretary of War stating that he has made some designation would meet the situation unless the Secretary of War set forth that he has determined that this airport complies with the four requirements outlined in the statute. Has the Chair a copy of the statute available?

The CHAIRMAN. The Chair has a copy of the act and is familiar with the act.

Mr. TABER. It would seem to me that the Secretary of War must make a finding with reference to these four requirements specifically and that evidence of it must accompany the request for an authorization.

Mr. SNYDER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SNYDER of Pennsylvania. He did make that finding with reference to the four specific points.

Mr. TABER. But the evidence is not here to support that.

Mr. SNYDER of Pennsylvania. The letter should be sufficient evidence.

The CHAIRMAN. The Chair takes it that the evidence is in the War Department files. The Chair does not think it should be necessary to require that that evidence be sent here. When the House is advised that the Secretary of War has followed the act and has made the designation, the Chair thinks it would be unnecessary to require that the evidence be set forth. In the Chair's opinion the Chair has the right to assume that the Secretary of War has followed the provisions of law and that the records of the War Department would so show.

The point of order is overruled.

Mr. POWERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POWERS: On page 26, line 19, before the word "work," insert the following: "Reconstructing at Fort Niagara, N. Y., the barracks buildings known as 50-N and 50-S which were destroyed by fire March 4, 1938, to be available immediately, \$75,000 for."

Mr. POWERS. Mr. Chairman, may I ask the gentleman from Pennsylvania if he will accept this amendment as a committee amendment? If he desires further explanation I shall be very happy to make it.

Mr. SNYDER of Pennsylvania. I accept it as a committee amendment and do not care for any further explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

Mr. DIMOND. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIMOND: Page 26, line 23, after the semicolon, insert "At the Alaska air base, Territory of Alaska, \$2,000,000."

Mr. DIMOND. Mr. Chairman, when the House was in session on Friday of last week I spoke at some length upon the outstanding need for the installation of some defensive military works in the Territory of Alaska. I pointed out then by a map which I presented to the committee the strategic importance of the Territory of Alaska in any sound scheme of national defense, because Alaska lies on the short line between the Orient and the United States. Any hostile foreign power in possession of the Territory would be in the best possible kind of position to make an attack upon the United States.

I further pointed out that at the present time the Territory of Alaska is absolutely undefended. We have about 300 infantry stationed at Chilkoot Barracks in the southeastern part of the Territory. That is all we have in Alaska in the way of military or naval defense, except several naval airplanes which are intermittently stationed at the town of Sitka, also in southeastern Alaska. I believe that if the Members of Congress really understood the importance of having some defenses in Alaska there would be no opposition to the proposed amendment. This matter was very fully considered by the Committee on Military Affairs of the House in 1935, prior to the time the Wilcox Act was passed. It was only after the most mature consideration that Alaska was included in that act as a base for the Army Air Corps.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from California.

Mr. DOCKWEILER. The gentleman from Alaska is making a very excellent statement. May I say that the Delegate has appeared before our committee year in and year out, ever since I have been a member of the committee, in behalf of the establishment of an Army base in Alaska. As the Delegate knows, we asked a considerable number of questions of those who had charge of this particular matter with a view of persuading them of the necessity for establishing an air base in Alaska in our scheme of national defense.

I favor the gentleman's proposition to make available this year the sum of \$2,000,000 for the establishment of an air base in Alaska. We need no legislative authority for this, because the Wilcox Act, passed some few years ago, furnishes the necessary legislative authority for this expenditure. We all know of no more strategic point to set up an air base than an appropriate place in Alaska to be designated by the Air Corps of the War Department.

Mr. DIMOND. I thank the gentleman for his observation.

Mr. MICHENER. Will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Michigan.

Mr. MICHENER. Has the Secretary of War designated this base under the law?

Mr. DIMOND. Oh, I think so. That is all taken care of, according to my understanding. The Secretary of War himself has not told me that, but other information which reaches me indicates that the base has been chosen. I understand it is to be located somewhere in the vicinity of Fairbanks, Alaska. However, that is immaterial.

It is a matter to be determined by the General Staff of the Army where the base is to be located, but there is legislative authority for it now. It is contained in the Wilcox Act.

It is also my understanding that the General Staff of the Army favors the construction of this base in Alaska but, of course, the Secretary of War and the General Staff of the Army are unable to proceed until Congress appropriates the money.

May I refer here to one man who was recognized by most of us as having had extensive knowledge of military strategy, particularly with respect to the air. In fact, he was an outstanding individual in this regard.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIMOND. Mr. Chairman, I refer to the late Gen. William D. Mitchell and I make reference to him because he had an extensive personal experience in the Territory of Alaska. He was stationed there some years ago and traveled widely throughout the Territory. I have before me a very brief quotation from his testimony before the Military Committee of the House. Discussion arose as to the line of possible attack upon the main body of the United States. Someone suggested it would come through the Panama

Canal or first in the region of the Panama Canal. General Mitchell, out of the wealth of his experience, said:

They will not attack the Panama Canal. They will come right here from Alaska.

Then further on in summing up his statement, he said:

I think it (Alaska) is the most important strategic area in the world.

That has reference to the United States, of course, because Alaska lies on the short line between the Orient and the United States. I wish to emphasize that fact. I believe everyone realizes that when an attack comes, if it does, it will come across the north Pacific Ocean, along a line more than 2,000 miles away from this great base we have built up at Pearl Harbor, which I suppose is necessary, along the coast of Alaska.

Mr. THOMASON of Texas. Will the gentleman yield?

Mr. DIMOND. I yield to the gentleman from Texas.

Mr. THOMASON of Texas. Does the Army have any air facilities there now?

Mr. DIMOND. The Army has not a thing at all in Alaska.

Mr. THOMASON of Texas. What air facilities do you have?

Mr. DIMOND. We have some commercial facilities.

Mr. THOMASON of Texas. No Army air facilities?

Mr. DIMOND. No. The Navy has a few airplanes based in southeastern Alaska.

A few days ago we sent some of our new Army bombers, called by the newspapers flying fortresses, to Argentina. This visit probably resulted from the thought that if some of the land-hungry nations of the world seek to expand in the Western Hemisphere the first attack may fall upon one of the countries of South America. It was useful to demonstrate that in case of necessity, for the support of the Monroe Doctrine, military combat aid in the air could be furnished at short notice anywhere in this hemisphere. The idea which led to the journey of the flying fortresses to Argentina and other South American countries was admirable and the performance brilliant.

And yet, thrust out toward Asia as it is, and reaching within less than 700 miles of the northernmost island of the Japanese Empire, the Territory of Alaska is in a much more exposed position to attack than is any country of South America, for all those countries are separated from any possible foe by thousands upon thousands of miles of ocean. Mr. Chairman, what was done with respect to Argentina so recently would be impossible to accomplish with regard to Alaska, for, as I stated a moment ago in answer to the question of the gentleman from Texas, there is no military air field in the entire Territory of Alaska. Nor, in my judgment, is there a single commercial airfield in the Territory that could readily accommodate ships of the size of the flying fortresses. Those airplanes could probably land in safety on several of our commercial airfields in Alaska, but I am in grave doubt whether they could get in the air again.

So if an attack should come upon Alaska, that Territory would necessarily have to be defended from the United States, and defended at a great disadvantage. How much better it would be to have such an Army air base in Alaska, as was contemplated in the passage of the Wilcox Act. A base capable of accommodating, if necessary, hundreds of military airplanes of all types, from small, fast pursuit planes to the giant bombers, such as the flying fortresses. Only a moment's reflection is required to show us how relatively easy it would be to defend Alaska from the air if such a base were constructed and accompanied by construction of other secondary fields situated in strategic areas in the Territory, and how almost impossible it would be to make any air defense of Alaska by planes operating from the main body of the United States. Under present circumstances if war comes, Alaska is bound to be lost almost overnight. It can be taken safely, because there is no way in which it can be defended, for it has no facilities by which defense can be made.

May I further suggest that the next war, like some of the other wars that have occurred in recent years, will probably

not be preceded by a declaration of war. In the instant case that means that the enemy may and probably will strike first without announcing his intentions in advance, in which event the coast of Alaska could be readily seized, a coast that has innumerable harbors, and then that coast could be made the base of operations against the United States.

The construction of the Alaska air base would make it impracticable for any enemy to attempt to seize any part of Alaska, because from the Alaska air base, upon a few hours' notice, could move an armament in the air sufficient in power to crush any force likely to be brought against it. With the Alaska air base established, it would be relatively simple and easy to transfer to Alaska on 24 hours' notice such air force as might be necessary to defend the Territory and to protect the adjacent coast line, along which an enemy would normally move toward our mainland. Under present conditions, with no facilities available, to attempt any aerial defense of Alaska or from Alaska would be all but impossible.

Every Member here realizes that the Alaska air base cannot be built in a day or a year, if the job is to be done economically. At the best several years will be required for construction. In order to do a complete job, it will be necessary to construct several auxiliary fields in strategic areas in the Territory. Therefore this is a subject that calls for immediate attention of Congress. Under modern conditions, national defense is not a thing that may safely be postponed until next year, or the year after, or the year after that, as the great Empire of Great Britain lately learned to her sorrow. Former Prime Minister Baldwin once observed that the line of defense of Great Britain is no longer on the Channel but on the Rhine. It is equally true that the line of defense of the United States is no longer on the shores of Washington or Oregon or California. The development of the modern airplane, with its mobility and its almost illimitable potential power, firmly fixes the line of defense of the western part of the United States along the outer limits of the great Territory which I am now privileged to represent in this body.

Mr. Chairman, the only opposition to this proposal that I know of comes from the Bureau of the Budget. The judgment of the Committee on Military Affairs of this House finds expression in the Wilcox Act, which furnishes the legislative authority. That act, as you all know, had the complete approval of the General Staff of the Army. I am not seeking to have something done which is contrary to the advice of the high command of our Army. The only objections to the proposed amendment are not military or strategic, but financial. In matters of national defense delay is dangerous. I hope that the amendment may be agreed to.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, naturally we all agree with the gentleman from Alaska, that Alaska is an important strategic place with reference to our national-defense system, but the Army elected first to establish a base in the Puget Sound area, and this year we provided money for it. The Army has a program extending over a period of years to build and equip new air bases, and in due course I am sure we shall have a recommendation to go forward with one in Alaska.

We are all eager to follow the judgment of Army authorities, and, I am sure, have confidence that they will choose the right places for air bases as the years go by. I believe within a year or two the base in Alaska of which the gentleman speaks will be provided for in the Budget, but this year the Army evidently feels that the money it would take can be spent to better advantage in other channels.

Mr. DIMOND. Mr. Chairman, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from Alaska.

Mr. DIMOND. May I ask the gentleman whether he knows that in 1937 the Army did send to the Budget an estimate of \$1,500,000 to start work on the Alaska air base? At that time the Army made the strongest representations that this base ought to go into construction at once. The only reason the estimate was not sent in this year is that the Budget had laid down limitations before the Army estimates

were made up. Therefore, we have a condition where the Bureau of the Budget is fixing the strategic policy of the administration and of the country. The fault is not at all with the Army.

Mr. SNYDER of Pennsylvania. Mr. Chairman, the facts may be in accordance with the gentleman's statement. I do not know. I do know the Navy has gone up into that section and has provided and is providing certain air-defense facilities there. I am sure we shall have a recommendation in the not distant future to put the Army Air Corps up there, too.

Mr. Chairman, I hope the amendment will be voted down.

Mr. SMITH of Connecticut. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment of the Delegate from Alaska because it seems to me the last statement he made, that the Budget is determining the strategic policy of the War Department, in this instance is perfectly true. When we passed the Wilcox Act in 1935 we intended it to provide in certain strategic areas major bases that our airplanes could use and where they could be serviced. The act itself has not been carried out, largely because of Budget limitations. Only one field has been developed under it, and this is in the Pacific Northwest. The act has been seized upon to build up some intermediate fields which really should have been provided for otherwise than in the Wilcox Act, the major purpose of which was to provide these large fields in strategic areas. It may be that even though we provide this amount in the present appropriation bill the administration may impound it, as some appropriations that were not thought to have great priority have been impounded this year, but I believe we should provide this money at this time because I believe this is one of the most important items in the development of the Air Corps and the defense of the west coast.

Mr. DOCKWEILER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Connecticut. I yield to the gentleman from California.

Mr. DOCKWEILER. At least we can do this: In the future the Congress can provide for a very strategic airport at some very important place in the world, and leave the responsibility to somebody else.

Mr. SMITH of Connecticut. We can leave the responsibility to the military arm of the Government, acting through the Executive.

Mr. DOCKWEILER. We are not going to let the Budget Bureau determine what our national defense shall be.

Mr. SMITH of Connecticut. I think the gentleman is correct.

Mr. POWERS. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I agree to a certain extent with many things the gentleman from Alaska has stated. I am of the opinion that within a reasonably short time an air base in Alaska will become a reality. However, I feel constrained this afternoon to ask the members of the Committee to vote against this amendment; and I do this because, in my opinion, the officers of the Air Corps who appeared before our committee did not justify the expenditure at the present time.

May I call to your attention, Mr. Chairman, that the direct and indirect cost of the Army Air Corps at the present time is approximately \$110,000,000. Upon completion of the presently authorized program for planes in 1940, the annual cost will be approximately \$150,000,000. I further call your attention to the fact that the cost of the Navy air forces, direct and indirect, for the fiscal year 1937 was in the vicinity of \$90,000,000, and that the cost of the Navy air force for the fiscal year 1938 probably will be close to \$100,000,000. With the addition of the 1,000 planes authorized in the big Navy bill passed last week the annual cost of the Navy air force probably will rise in 5 years to not less than \$150,000,000.

Mr. Chairman, I realize an adequate air force is absolutely essential, but if we keep going the way we are now we will have for the air force of the Army, Navy, and Marine Corps

at the end of a very few years an annual cost of somewhere in the vicinity of half a billion dollars.

We are going to have an annual appropriation bill for the Army and Navy in the vicinity of a billion and a half dollars before we are through, and, Mr. Chairman, John Q. Public must pay this bill. I think we should be a little more careful about how we pile up these expenditures. I am hoping and I believe that the gentleman from Alaska eventually will see an air base in Alaska come into existence. I personally am in favor of it, but I do not wish to see the money appropriated at the present time. I should rather have it come along when the Air Corps itself states it should be made available in accordance with their development program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The amendment was rejected.

Mr. SNYDER of Pennsylvania. Mr. Chairman, there is a committee amendment at the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. JOHNSON of Oklahoma: On page 27, line 11, before the word "Fort", insert "Fort Sill, Okla., \$331,000."

Mr. TABER. Mr. Chairman, reserving a point of order, where is this authorized by law?

Mr. JOHNSON of Oklahoma. There is a Budget estimate for it and it is also authorized, I will say to the gentleman from New York.

Mr. TABER. Was it authorized by the Wilcox Act, or just how was it authorized?

Mr. JOHNSON of Oklahoma. It was authorized under the act, Public, No. 394, Seventy-fifth Congress, chapter 843, first session, August 26, 1937.

Mr. TABER. I reserve a point of order, Mr. Chairman.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I may say to the Committee this is a very urgent need. The committee, I understand, has some information now it did not have when the hearings were held. There are more than 1,300 soldiers at Fort Sill who are improperly housed, and I hope there will be no objection to the amendment.

The CHAIRMAN. Does the gentleman from New York desire to urge his point of order?

Mr. TABER. Mr. Chairman, I cannot understand just how this proposition is authorized, but if it is and there is a communication from the Secretary of War indicating that this has been determined, I would withdraw the reservation of a point of order. This item is already \$200,000 above the Budget, including the new appropriation, but, of course, this has nothing to do with the point of order.

Mr. JOHNSON of Oklahoma. I believe the gentleman will withdraw his point of order, will he not?

Mr. TABER. I would want to know whether it is authorized. I cannot see where it is authorized.

The CHAIRMAN. The Chair may state to the gentleman from New York that under the act of August 26, 1937, Public, No. 394, there appears to be included in that bill an authorization of barracks at Fort Sill, Okla., \$330,000, and \$1,000 for telephone construction which is the same amount as that mentioned in the amendment.

Mr. TABER. I withdraw the point of order, Mr. Chairman.

Mr. THOMASON of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not object to the amendment of my friend from Oklahoma, and I do not want to be assuming a dog-in-the-manger attitude, but, frankly, I do not quite understand the attitude of the committee. Some of my friends and myself on the Committee on Military Affairs had considerable to do with this question. The gentleman from Pennsylvania [Mr. FARRIS] and myself and some others, constituted the Subcommittee on Appropriations of the Committee on Military Affairs and, therefore, I think we can say with a fair degree of modesty that we had something to do with bringing out the housing-authorization measure of last year to which the gentleman from New York [Mr. TABER] has referred. There were certain recommendations and priorities established in that measure. I am entirely selfish about this and I do not have anything to hide,

because I have two Army posts in my district, and both have needed new housing badly for 10 years, with promise after promise that in the next bill there would be an appropriation for housing following the authorization that we passed last year. That bill authorized \$463,000 in new construction at Fort Bliss and \$77,818 new construction at Fort D. A. Russell.

Now, when the bill comes here, there are several items that our committee never heard about. I congratulate the Members who have obtained new housing for their posts. But this is no place to play favorites. They need new housing at Fort Sill, Okla., and I am for it; but the bill comes in with an amendment of \$350,000, or something of that sort, when I happen to know that housing is needed at many Army posts all over the country. If this is to be a logrolling or "pork barrel" affair, I am going to do my best to see to it that all have an equal chance.

As I say, I am not complaining about the success that our friend from Oklahoma [Mr. JOHNSON], who happens to be on the Appropriations Committee, is meeting with. In fact, I congratulate him on the haste with which the Committee accepts his amendment. This is a matter about which there ought to be absolute equality practiced in regard to all deserving housing, and in all fairness, if this amendment is to be accepted, then some of the rest of us would like to have time and opportunity to offer suitable amendments with the hope that the Committee will accept ours.

Mr. STARNES. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. Yes.

Mr. STARNES. I feel as the gentleman does about the housing situation, but originally this amendment was included in the Budget estimate that came up to us.

Mr. THOMASON of Texas. Would the gentleman say that is true of all of the items in this section?

Mr. STARNES. All of the items in this section excepting one other, which has just been passed on. They came to us from the Budget at that time, and we felt the evidence was not sufficient to justify, but since that time sufficient evidence has been adduced and brought to us.

Mr. THOMASON of Texas. It seems to me it has almost come to be a futile thing for the legislative Committee on Military Affairs to spend weeks and months in bringing out a housing bill, establishing priorities, if, when the appropriation bill comes up there is no regard shown for our work and recommendations, or if amendments be accepted and the rest of us left out in the cold. That is what I complain about. I am determined, if possible, to see to it that our committee is shown some consideration.

Mr. ANDERSON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. Yes.

Mr. ANDERSON of Missouri. I notice that the Jefferson Barracks, Mo., which was listed, is stricken out. The soldiers there have to sleep out in tents in the rain. I also notice where the members of this committee took care of themselves and disregarded our committee.

Mr. THOMASON of Texas. I do not agree with your last statement, but I do undertake to say, and I back it up with the record and the facts, that there are 25 Army posts throughout the country where there is inadequate housing, and about which the Military Affairs Committee spent weeks and months in considering priorities. What is the use of having a legislative committee if what it does is to be absolutely disregarded? Why, we are not even consulted. As a rule, we are completely ignored.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ANDERSON of Missouri. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. Yes.

Mr. CULKIN. I agree completely with the gentleman. Of course, the condition of military housing in the United States is a burning disgrace.

Mr. THOMASON of Texas. It is deplorable. The Army needs the housing and it would be permanent improvements that would provide a lot of employment and require a lot of material.

Mr. CULKIN. The gentleman knows that. The housing committee, and I include the staff of the United States service, are absolutely guilty of complete neglect of duty in this situation. You cannot get a good soldier unless you give him decent environment, and may I suggest this to the gentleman for the purpose of bringing this thing squarely up. I shall offer an amendment for my particular post here on the floor.

Mr. THOMASON of Texas. I want to find out if there is any use of my offering the same kind of an amendment, because if the rest of the gentlemen are offering amendments and get by with them, I would be neglectful of my people and my two Army posts if I did not fight for them, and this I propose to do. There certainly ought not to be any discrimination or favoritism in this matter. The Committee on Military Affairs of the House has worked hard on a housing bill. The hearings were full, fair, and complete. These matters ought to be considered on merit and need, and nothing else. This is no time or place to start logrolling. I have great respect for the Subcommittee on Appropriations in charge of this bill. I do not impugn their motives. I express the hope, however, that they treat their colleagues on the Military Affairs Committee with the consideration due them. All we want to do is to cooperate and work out a fair program.

Mr. MAVERICK. Mr. Chairman, I want to say in this connection that we received priority for an addition to the hospital at Fort Sam Houston, to cost \$235,000. That hospital has been subordinated to matters nowhere near as important.

This is not "pork barrel" talking, though it happens to be in my district, for the hospital ought to be built no matter where it might be.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I sympathize with the gentleman from Texas [Mr. THOMASON], a distinguished member of the Committee on Military Affairs, with whom I served with a great deal of pleasure a few years ago. I say to the gentleman that if he has received a Budget estimate for any housing in his district, I shall go down the line with him and do my best to see that he gets an appropriation. I go further and say that whether or not he has received a Budget estimate, if he will present facts to justify it, and he offers an amendment, I for one will support such an amendment. But I assure the gentleman that no favoritism has been shown with reference to Fort Sill, Okla. For 10 years there was no housing program at Fort Sill because the War Department was uncertain whether it wanted to keep the Field Artillery School there or transfer it to Fort Bragg. That, of course, was several years ago. A board was appointed by the War Department and after a very thorough investigation the committee finally decided that the Field Artillery School should remain at Fort Sill. Since that time a building program has been begun, but the item of \$331,000 in the pending amendment, sent to the desk by the chairman of the committee, will not begin to take care of the urgent needs for the housing at Fort Sill.

May I say to the gentlemen who are members of the Committee on Military Affairs that certainly no member of that committee should object to this item. Senator HILL, of Alabama, who at that time was chairman of the important Committee on Military Affairs, visited Fort Sill a few years ago and after a thorough investigation, at which time he saw the old, dilapidated, wartime shacks that men are housed in, he made the public statement that the housing situation was not only in a very deplorable condition there but that he had found them no worse at any other Army post in the entire United States. Members of the subcommittee who

kicked out this item have never visited Fort Sill, so far as I can ascertain.

At this time there are 1,300 soldiers at Fort Sill who are improperly housed. One hundred and four are housed in old, dilapidated National Guard kitchens, 100 others in badly dilapidated shacks, 180 are housed in an old, abandoned C. C. C. camp; many others are housed in porches and squad rooms of old wartime buildings. This item, if allowed, would care for only about one-third of the most urgently needed barracks.

I desire that Members please bear in mind that the Bureau of the Budget sent an estimate to the committee for this item. A representative of the War Department appeared before the committee and gave strong and convincing statements in support of this time. It can be found in the recent hearings. The War Department representative compares the housing conditions at Fort Sill with those of the worst Army posts in the entire United States. What more convincing evidence would the committee or the Congress desire? Inasmuch as the committee has accepted the amendment, I sincerely hope that gentlemen will withdraw their opposition and join me in support of the amendment.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, here is another example of the Appropriations Committee going hog wild and asking for approval of items that have not been considered by the Committee on Military Affairs or changing their order of priority in housing and other matters that have to do with construction in the Army. They are again invading the field of jurisdiction of a legislative committee. We come in here and in the Committee of the Whole various Members go to logrolling and secure appropriations for items for their own particular districts without it being first determined whether or not the items may be entitled to prior consideration, or even authorized.

We have here a striking example in reference to the \$50,000 to establish a landing field under the pretense, Mr. Chairman, if you please, of the authority under the Wilcox Act. Think how ridiculous it is to begin to establish intermediate landing fields throughout the United States, covering them up under authority of the Wilcox Act, when the main landing fields at strategic points all over the United States have not been considered nor determined upon. How in the world can anyone decide where these intermediate landing fields are to be situated unless and until the main landing fields have been determined upon? We are establishing landing fields when we have no knowledge as to how they will tie in with the general set-up.

Mr. Chairman, I believe I can speak impartially on the matter of Army posts, because I do not have a single Army building in my district. However, I am a member of the subcommittee of the Military Affairs Committee which deals with Army housing, and I know that each year we spend months and months going over the estimates of the Quartermaster General's Department in order to determine how we can make what little money we get for Army housing serve the very best purpose. If we are to be hog-tied and overrun by the Subcommittee on Military Appropriations of the Committee on Appropriations when they insist upon giving priority to projects in their own districts, I fail to see how we can ever intelligently act in this matter. I do not see how in the world we can ever determine what construction or what waterworks, hospital, or what not may be entitled to prior consideration. I am sure we are much better qualified to go into this matter than is the Committee on Appropriations, and I feel that the Committee today should vote down various matters of this kind which are and will be offered. We must protect the jurisdiction of the legislative committees of the House of Representatives.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I do not know exactly what pet projects have been put into this item by the committee. I do know

that while the item appears as below the Budget estimate, there has been a contract authorization of \$1,090,000, which brings it up practically to the Budget estimate. Undoubtedly, if this amendment is adopted, the amount will go above the Budget estimate. It is evident that this thing has been loaded up.

Mr. Chairman, I do not think it is good policy for members of the Appropriations Committee to try and feather their own nests. I do not think it is good tactics for the members of any committee to represent on that committee special interests. Unless the committees of this House try to approach these matters from the standpoint of desirability of projects and from the standpoint of considering them on their merits, we will get into trouble.

The gentleman from Pennsylvania, chairman of the subcommittee, has placed in this bill an item of his own that at the time it was thrown in was not authorized by law. He has obtained alleged authorization, which I do not believe would hold water for a minute, from the Secretary of War since the bill was marked up. Frankly, I do not believe that another dollar should be added and that every item contained in the bill not authorized by the Budget should be stricken from this paragraph.

Mr. THOMASON of Texas. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. THOMASON of Texas. Mr. Chairman, in other words, the gentleman thinks there ought to be a consistent policy followed with reference to this matter?

Mr. TABER. On the merits of the projects and not because of special interests represented by members of the Appropriations Committee or any other committee. I am sick of these attempts to work in a racket just because somebody happens to be a member of a particular committee.

Mr. CULKIN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. CULKIN. The gentleman believes there should be decent, modern housing furnished for the American soldiers?

Mr. TABER. Certainly, but I do not believe that it should be done on the basis of a racket. It should be done because of the merits of the projects.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. FADDIS. Such things ought to be put through in regular order by the legislative committee—not by the Committee on Appropriations.

Mr. TABER. I do not think power to designate projects or construction programs should be given to a department. I think it should be handled by a legislative committee and that there should be specific legislation for every project for which we appropriate. I think this applies to public building projects as well as to Army and Navy projects.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MARTIN of Colorado. Mr. Chairman, the gentleman says he thinks every dollar ought to be cut out of the bill that was not recommended by the Budget. The gentleman must understand the fact that a lot of water has gone over the dam since those estimates were made 6 months ago and that the change has been entirely responsible for the big Navy bill the House passed last week.

Mr. TABER. That change has not been responsible. The whole situation with reference to running over the Budget is entirely a matter of special interest. The big Navy bill was brought out here just to cover up the iniquities of the administration—nothing else. There was no possible excuse for it. It was just a camouflage, that is all there was to it.

Mr. Chairman, I hope this committee will not do as the Appropriations Subcommittee evidently has done. I hope they will not put anything more on this bill but will strike out everything the committee brought in here that was not included in the Budget, and that we will get the amount down to something like the figure it was supposed to be.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. SNYDER of Pennsylvania) there were—ayes 34, noes 10.

Mr. TABER. Mr. Chairman, I object to the vote on the ground there is not a quorum present and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 46]

Allen, Del.	Ditter	Knutson	Shannon
Allen, Ill.	Douglas	Kocialkowski	Smith, Okla.
Barden	Drewry, Va.	Kramer	Somers, N. Y.
Beam	Eaton	Lanzetta	Sullivan
Bernard	Elliott	Lesinski	Sweeney
Biermann	Farley	Long	Taylor, Tenn.
Bigelow	Fish	Lucas	Teigan
Boren	Flannagan	McGroarty	Thomas, N. J.
Boykin	Frey, Pa.	McKeough	Thurston
Buck	Garrett	McMillan	Transue
Buckley, N. Y.	Gasque	Magnuson	Treadway
Bulwinkle	Gifford	Martin, Mass.	Wadsworth
Caldwell	Gilchrist	O'Brien, Ill.	Wearin
Carter	Greenwood	O'Connor, Mont.	Weaver
Cartwright	Halleck	O'Over	West
Celler	Hancock, N. Y.	Patrick	Whelchel
Champion	Hancock, N. C.	Pierce	White, Idaho
Colden	Harlan	Poage	White, Ohio
Cole, Md.	Harter	Quinn	Wilcox
Crosby	Hartley	Reece, Tenn.	Wolcott
Crowther	Hook	Reed, N. Y.	Wolfenden
Daly	Jarman	Robinson, Utah	Wood
Deen	Jenkins, Ohio	Rogers, Okla.	Zimmerman
DeRouen	Jenks, N. H.	Sadowski	
Disney	Kieberg	Schneider, Wis.	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9995), the Military Establishment appropriation bill 1939, and finding itself without a quorum, he had directed the roll to be called, when 331 Members answered to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. JOHNSON of Oklahoma) there were—ayes 50, noes 55.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. JOHNSON of Oklahoma and Mr. TABER.

The Committee again divided; and the tellers reported that there were—ayes 36, noes 55.

So the amendment was rejected.

Mr. MAVERICK. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. MAVERICK: On page 27, line 18, after the figures "\$187,200", insert "one hospital addition, \$235,000, at Fort Sam Houston, Tex."

Mr. TABER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MAVERICK. Mr. Chairman, I offer this amendment providing for the completion of a hospital at Fort Sam Houston, Tex. This is not a "pork barrel" proposition, and there is not the remotest color of "pork barrel" about this. The Committee on Military Affairs has authorized the completion of a hospital for the Eighth Corps Area, a barracks, and various other things. I am not asking at this time for the barracks, because the men have tents in which to live. They ought to have barracks, but under no circumstances should sick people be put in shacks.

This is what happened. I went to the P. W. A. and got the money for the original hospital. There never was an authority made for this hospital. But the \$235,000 required to complete the hospital is fully authorized, and after extensive hearings.

HOSPITAL SERVES WIDE AREA

The hospital serves the Eighth Corps Area, which includes Texas, Colorado, Wyoming, and various other States. Patients from all over the Eighth Corps Area are cared for in this hospital, and this addition should be built.

The gentlemen who are on the Committee on Appropriations always look out for themselves. This hospital is not for the benefit of the people of my district; it concerns the soldiers of the United States Army.

I have not said very much on this floor about appropriations for my district. As a matter of fact, my district is the largest military district in the United States. I am not complaining about the way my district is treated, because it is well treated by the Army and by the Congress, and I appreciate it. However, when a hospital is started and modern hospitalization is needed, the project should be completed.

For instance, we spend millions, billions of dollars on W. P. A. Why should we not spend money on the building of a decent hospital for the troops of the United States Army?

NO ONE CAN SAY THIS HOSPITAL IS NOT NECESSARY

I would not have said anything about this matter except that others started rolling the "pork barrels." I want this hospital for my district, and, of course, I have some local pride in it. But not a single person can say a word against this hospital. I defy anybody anywhere to say this ought not to be built. I defy any member of the committee to say the addition to this hospital is not necessary.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from New York.

Mr. TABER. How did it happen this item was not included in the Budget estimate?

Mr. MAVERICK. I do not know why it was not in the Budget estimate.

Mr. TABER. Did the gentleman appear before the committee and ask to have the item included in the bill?

Mr. MAVERICK. No; I did not believe I would get a hearing on it, because the Budget cut it out arbitrarily. But it was unanimously authorized by the Military Affairs Committee and endorsed by the War Department. Moreover, nobody can say there is anything wrong with this project. This addition to the hospital is absolutely necessary and ought to be built.

HOUSING OF ARMY IN DISGRACEFUL CONDITION OVER COUNTRY

Mr. Chairman, we have spent billions of dollars on relief over the United States. We have had the Federal Housing Act, the Home Owners' Loan, and I voted for all of these acts. In my opinion, it was necessary legislation, moreover good legislation.

But with the billions spent, we have let the housing of the Army all over the United States fall into a disgraceful condition. The Military Affairs Committee originally had a bill providing for housing to the extent of some 120 or 130 million dollars. We had hearings on this and cut the entire amount of housing to something like 20-odd million. This amount is admittedly a large amount of money, but a very small amount of money in comparison with the billions we have spent, which involve projects of all kinds under the W. P. A., P. W. A., and other departments of the Government.

Whatever anyone's position is in regard to the Army and the Navy, whether pacifist or militarist, or just ordinary citizen—everyone must agree that proper housing is necessary for the Army. I call upon this House and the people of the United States to consider this general situation, to provide the proper housing, because if money is to be spent, this is money that will help business and at the same time give employment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know what the situation is with reference to the hospital. Although I rose in opposition to the amendment in order to get the floor, if the gentleman has sufficient evidence that conditions warrant the expenditure of additional funds there at this time I will gladly support his amendment. However, the gentleman well knows that

the rules of the Committee on Appropriations are that a Member proposing this type of an amendment should have a Budget estimate on it.

If I may be permitted, I desire to speak indirectly with reference to the amendment that was defeated a few minutes ago under what I am sure is a misunderstanding by the Members of the Committee of the Whole. As I explained here a while ago, before several members came on the floor who are now present, a few years ago the distinguished Senator from Alabama [Mr. HILL], who was then chairman of the Committee on Military Affairs, went to Fort Sill while on an inspection tour of the country, and after careful and thorough investigation of housing conditions at Fort Sill, announced the situation there was in a deplorable condition; that barracks at Fort Sill were urgently needed and that at no fort in the entire country was the housing condition worse or the needs greater for new barracks. I remind Members once more that the amendment just defeated because of a misunderstanding on the part of many Members who did not hear the discussion, had both a specific authorization and a Budget estimate. But the pending amendment, if I understand correctly, has no Budget estimates.

Mr. DOWELL. Mr. Chairman, I make the point of order the gentleman is out of order. The amendment to which he refers has been disposed of.

The CHAIRMAN. The gentleman from Oklahoma will proceed in order.

Mr. JOHNSON of Oklahoma. The gentleman from Oklahoma is proceeding in order. I am simply comparing the item for Fort Sill with the amendment of the gentleman from Texas which is before the Committee at this time. We talk much here about Budget estimates, authorizations, and appropriating in an orderly way. But here we have seen the sorry spectacle of an item bodily taken out of a bill without any excuse whatever, in the face of the fact that there was a Budget estimate and an authorization—apparently for the purpose of taking care of someone's pet project that has neither an estimate nor a semblance of an authorization. I do not mean to say that the pending amendment falls in the latter category, but unfortunately the estimate has not yet reached the Committee on Appropriations.

Mr. DOWELL. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman from Oklahoma will proceed in order.

Mr. DOWELL. The gentleman knows the rules.

Mr. JOHNSON of Oklahoma. Yes; the gentleman is entirely correct. I not only know the rules but I am adhering to the rules. Now I desire to state that I feel very kindly not only to the gentleman from Texas but also for the building of a hospital anywhere. The fact is I would much prefer to spend money for a hospital, even without a Budget estimate, than to embark on an entirely new project without authorization or an estimate, as I understand it is proposed a little further on in this bill. For one, I deeply regret there is not more allowed in the pending bill for hospitals. I hope my good friend from Texas will secure a Budget estimate, and I shall be very happy to assist him in every possible way.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I regret that I cannot yield just now, but since the gentleman has repeatedly referred to the amendment prepared by the clerk of the subcommittee and offered as a committee amendment, as the Johnson amendment, let me say to him that I was amazed that the Fort Sill item was for some unknown reason eliminated. But Members heard the gentleman from Alabama state that the committee received additional authentic information after the hearings. I had assumed, of course, that any item with a Budget estimate would be retained in the bill, but I was not afforded the opportunity to present the facts at the hearing. But certainly I felt justified in seeing that the committee got the full facts;

but I did not prepare the amendment, even though the committee, I believe, put my name on it.

Mr. MAVERICK. And never heard of it?

Mr. JOHNSON of Oklahoma. Oh, yes; I will say to the gentleman that I accept full responsibility for seeing that it was offered; but I had a Budget estimate to back me up before asking the chairman of the subcommittee to offer the amendment for housing at Fort Sill.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from Texas [Mr. MAVERICK], and that is the only amendment now pending before the Committee.

Mr. STARNES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the item offered by the gentleman from Texas is authorized by law along with \$25,000,000 of other items in the act of August 26, 1937.

The committee would have been pleased to have considered this and all other items had they felt the condition of the Treasury would warrant it and had the items been recommended to the committee by the War Department.

There is no question about the need of housing in the United States Army. This question has been passed upon already by the Congress, but there is a question as to the advisability of embarking upon such an extensive building program when there are so many critical items which must be cared for first in view of the conditions existing throughout the world today.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I will be pleased to yield to the gentleman from Texas.

Mr. MAVERICK. Does not the gentleman think that since this is for the completion of a hospital that is already in operation and ought to be completed it is a more necessary item than an item for barracks or something of that kind? This is nothing new, and I am not asking for any additional barracks.

Mr. STARNES. May I say to the gentleman from Texas there are four other hospital items which were authorized by his committee, all of which, of course, should be built as soon as the condition of the Treasury will permit.

Mr. MAVERICK. You have one of them in here now.

Mr. STARNES. May I say to the Members of the Committee that statements have been made on the floor this afternoon in the heat of debate, and unintentionally, I am sure, which impugn the motives of certain Members of this House. We all appreciate the zeal of those gentlemen who have Army posts within their respective districts. We respect the zeal of the gentleman from Texas and his colleague from Texas and others who are members of the legislative committee and who have Army posts within their area. We know they are representing the best interests of their people ably and well. Our committee would like to go along with them, but I want to say to those gentlemen who have impugned the motives of the members of your Subcommittee on Appropriations that there are a number of us on that committee who have no Army posts within our respective districts, and therefore we resent the unintentional imputation that there was a selfish interest motivating all members of this committee in its recommendations with respect to this bill.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. STARNES. In just a moment.

For each item provided here we had a recommendation of the War Department which established a priority on this building list—not the Military Affairs Committee and not your Appropriations Committee, but the War Department itself established these priorities.

I personally do not feel that a single dollar should be spent or should have been spent under the broad terms of the Wilcox Act. As a Member of the committee and of the Congress I believe there should be further specific authorization on the part of your Military Affairs Committee before

we spend one single, solitary dollar for construction of aviation posts throughout this country under the authority of the Wilcox Act.

Mr. MAY. The gentleman will recall that there was only \$25,000,000 or \$26,000,000 authorized by the bill we reported last year, and this bill appropriates approximately, or perhaps in excess of, one-third of that amount, and the idea is to carry out the program over a period of 3 years.

Mr. STARNES. Absolutely, a progressive building program, and I hope the committee will vote down this amendment and all pending amendments.

Mr. DORSEY. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Pennsylvania.

Mr. DORSEY. Also, in that legislative authorization there were certain projects that are quite necessary to the development of the material of the Army, including some improvements at the Frankford Arsenal, and by spending such money today we would save money through improvements that would eventually have to be made, and if the funds for the Army will not allow such expenditures to be made for improvements there, why should other items be put in the bill?

Mr. STARNES. The gentleman is quite right.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAVERICK].

The amendment was rejected.

Mr. EBERHARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EBERHARTER: On page 26, after line 24, strike out beginning with the words "Air Corps", the remainder of line 24, and on page 27 all of line 1 down through "\$50,000."

Mr. EBERHARTER. Mr. Chairman, this amendment is somewhat different from most amendments presented to appropriation bills. This amendment seeks to cut out the sum of \$50,000 which is provided in the bill for the establishment of an intermediate Army airport at Connellsville, Pa. Connellsville is 50 miles from the city of Pittsburgh. At the present time right close to the city of Pittsburgh there is one of the finest airports in the world. In fact, the airport has the largest paved area of any airport in the world, and Allegheny County has expended large sums of money there for that purpose.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. Yes.

Mr. SHORT. Was there any Budget estimate for this proposed airport at Connellsville?

Mr. EBERHARTER. There was no Budget estimate for the \$50,000 which is set out in the bill. The County of Allegheny went to great expense and installed hangars, and gassing stations, and made great paved areas, and established all of the technical equipment necessary to take care of Army airplanes—not at the expense of the Government, but at the expense of Allegheny County. Here comes a proposition to take away the use of the facilities which were established by the county of Allegheny, and transfer them to Connellsville at an initial expense to the Government of \$50,000, which was never presented to the Budget Committee. I found nothing in the hearings recommending the expenditure of this money, and it is one of the biggest "pork" propositions ever presented to this House. I do not know of anything that would be more unfair than to take away from the city of Pittsburgh and the county of Allegheny the Army air station they now have there, and transfer it to the county which the chairman of the subcommittee represents, without any necessity for doing it. In the vicinity of Connellsville there lives only one flying Reserve officer, while in Allegheny County, that spent the money to put up these facilities, there are hundreds of flying Reserve officers; and the result will be that these flying Reserve officers living in Pittsburgh, or close by, will be compelled to travel to Connellsville for their training, and then travel back again to Pittsburgh.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. Yes.

Mr. BOILEAU. Do I understand the gentleman to say that this flying field is transferred from one district into another?

Mr. EBERHARTER. That is the understanding. The Reserve officers, instead of being trained at the place they are training now, will be taken to Connellsville, 50 miles away from where they all live, and trained there.

Mr. BOILEAU. Does the Department recommend that?

Mr. EBERHARTER. I do not know; there is nothing in the hearings about it.

Mr. BOILEAU. How did that happen to be done in the Appropriations Committee?

Mr. EBERHARTER. The only way I can think of is that it was put in by the Subcommittee on Appropriations. I do not see any justification for it whatever.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. EBERHARTER. Yes.

Mr. DUNN. These Reserve officers would be put to great inconvenience to have to run up to Connellsville, 50 miles there and 50 miles back; and another thing, Allegheny County went to great expense to make that field one of the greatest fields in the country. This amendment should be agreed to.

Mr. EBERHARTER. The gentleman is right. The Reserve officers would have to travel by train or automobile or in some other way to Connellsville to take their training and then drive back again to their homes near Pittsburgh, where they live. I do not see any necessity for a proposition of this kind. It would be a useless expenditure of \$50,000. The airport in Allegheny County now offers ample facilities both for an intermediate station for Army planes and for training of Reserve Army fliers.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto close in 30 minutes.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EBERHARTER].

The question was taken.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The amendment has already been voted on.

Mr. SNYDER of Pennsylvania. Well, I am afraid the Chair overlooked me. I had risen in my place.

Mr. EBERHARTER. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman says that he was on his feet. The Chair had not announced the result of the vote. In view of what the gentleman says, the Chair feels it is only fair that he should be heard. The gentleman from Pennsylvania is recognized.

Mr. MAVERICK. Mr. Chairman, a point of order. Does that mean that we are going to vote on this amendment again?

The CHAIRMAN. Yes.

Mr. EBERHARTER. Mr. Chairman, I make the point of order that that cannot be done.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BOILEAU. I make the point of order that even though the gentlemen from Pennsylvania [Mr. SNYDER] was on his feet, he was not requesting recognition.

Mr. SNYDER of Pennsylvania. I was endeavoring to seek recognition.

Mr. TABER. But not until after the vote was taken.

The CHAIRMAN. The Chair believes it would be unfair not to recognize the gentleman.

Mr. EBERHARTER. Then, Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. EBERHARTER] appeals from the ruling of the Chair. The question is whether the decision of the Chair shall stand as the judgment of the Committee.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry. Due to the confusion in the Chamber we could not hear the Chair. Will the Chair be good enough to advise us again what the situation is.

The CHAIRMAN. The point in issue is this. The gentleman from Pennsylvania [Mr. SNYDER] stated to the Chair that he was seeking recognition of the Chair in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. EBERHARTER]. The Chair did not so understand, and put the question on the amendment offered by the gentleman from Pennsylvania [Mr. EBERHARTER]. The gentleman from Pennsylvania [Mr. SNYDER] says that he was seeking recognition in opposition to the amendment. In view of the confusion the Chair has ruled that the gentleman from Pennsylvania [Mr. SNYDER] is entitled to recognition in opposition to the amendment and that the vote will be again taken on that amendment. Thereupon the gentleman from Pennsylvania [Mr. EBERHARTER] appealed from the ruling of the Chair.

Mr. MAVERICK. Does this mean that if the gentleman is recognized, then as soon as he gets through we vote without further debate? If we extend the matter 5 minutes, why should we not extend it 5 minutes further?

Mr. MICHENER. I take it, then, from the statement of the Chair that the reporter's record which states what took place will show that the question was put, because it was put and that the—

The CHAIRMAN. The Chair had not announced the result of the vote.

Mr. MICHENER. And the Chair had announced the result.

The CHAIRMAN. The Chair had not announced the result.

Mr. MICHENER. Then I misunderstood. I think the RECORD will show that the Chair did announce the result of the vote.

The CHAIRMAN. The Chair was not aware of the fact that the Chair had made any announcement of the vote.

Mr. KVALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KVALE. After this rather weird ruling, is the request—

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. KVALE. I am attempting to do so. I ask the Chair if a request for an appeal should be made in the Committee or in the House?

The CHAIRMAN. It should be made in the Committee.

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be permitted to address the House for 5 minutes and that the vote on the amendment be then taken.

Mr. EBERHARTER. Mr. Chairman, I ask unanimous consent to withdraw my appeal.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. KVALE. Mr. Chairman, I object.

The CHAIRMAN. The gentleman has the right to withdraw his appeal without consent of the Committee. Does the gentleman withdraw his appeal?

Mr. EBERHARTER. Mr. Chairman, I withdraw my appeal from the decision of the Chair.

The CHAIRMAN. The appeal is withdrawn. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I think the gentleman from Pennsylvania [Mr. EBERHARTER] has been misinformed, for otherwise I am sure he would not have offered the amendment that he has.

This intermediate airport between Langley Field, Va., and Bolling Field, here in Washington, and fields to the west, such as Selfridge Field and Wright Field, has not anything at all to do with the field at Pittsburgh. It will not take away the Reserve officers' training activities at Pittsburgh. No one is going to ask for the establishment of Reserve officer activities at this airport. It will be nothing more than an intermediate landing field for the Air Corps.

I know you wish the facts about this matter. I do not wish to give you anything but facts. The W. P. A. 3 years ago made available funds toward building this airport to take the place of old Burgess Field, the former intermediate station. To date the W. P. A. has invested \$541,000 in the project. When bigger and faster planes started coming in in 1933 the War Department had to dispense with landing at Burgess Field because the field was not large enough or suitably graded to accommodate these big planes. I have here a communication from the War Department stating that Burgess Field would be abandoned and facilities sought elsewhere for the accommodation of the more modern type of aircraft. They now have built at Connellsville two crossed runways, one 3,600 feet long and the other 3,100 feet long, each 100 feet wide and hard surfaced, and a hangar has been erected and other facilities provided. This is merely an emergency landing field between Langley Field and Bolling Field and points west.

I am sorry the gentleman got the impression that it was going to take away any activities from Pittsburgh. Absolutely nothing is to be taken away from Pittsburgh along the line of Reserve officer training.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. EBERHARTER. Is it not a fact that there has been a movement on foot to transfer the school for training flight officers to Connellsville?

Mr. SNYDER of Pennsylvania. Not to my knowledge. I do not think there is any such movement.

Mr. EBERHARTER. Does not the gentleman know that the question has been under consideration by the Air Corps?

Mr. SNYDER of Pennsylvania. No; I do not.

Mr. EBERHARTER. Did the Air Corps in the first place request this \$50,000 of the Bureau of the Budget for Connellsville?

Mr. SNYDER of Pennsylvania. No; I requested it. Let me read this letter to the committee.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield further?

Mr. SNYDER of Pennsylvania. Not for the moment. This letter is dated March 22, 1938, from Gen. Malin Craig, Chief of Staff:

In answer to your telephonic inquiry of March 22, 1938, permit me to inform you that Connellsville Airport, Pa., has been approved by the Secretary of War as an intermediate landing field, and that the lease for the site of the administrative building thereon has been approved by the Assistant Secretary of War and has been forwarded this date to the commanding general, Third Corps Area, for final completion.

That is all there is to this proposition, the establishment of an intermediate landing field.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I indicate on this map where the Connellsville Airport is, and I may say this map has been prepared by the War Department.

Mr. DEMUTH. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. DEMUTH. Were hearings held on this appropriation?

Mr. SNYDER of Pennsylvania. No; there were no hearings.

Mr. DEMUTH. Was any evidence submitted as to its necessity?

Mr. SNYDER of Pennsylvania. Yes; evidence was submitted as to its necessity.

Mr. DEMUTH. Was it presented to the committee?

Mr. SNYDER of Pennsylvania. Only through me. There were no hearings either on the \$75,000 which we gave to Buffalo a few moments ago, urged by the Republican side, for construction up there.

Mr. TABER. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from New York.

Mr. TABER. Did the subcommittee at a regular meeting ever vote and pass on this?

Mr. SNYDER of Pennsylvania. No.

Mr. TABER. I thought so. It really did not belong in the bill at all. It was just shoved in.

Mr. SNYDER of Pennsylvania. It did belong in the bill or it would not have been reported. The committee, of which the gentleman is a member, voted to report it out and there was no opposition.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from California.

Mr. DOCKWEILER. I am a member of this committee, and I may say to the gentleman from New York that when the War Department sent this letter up, stating the necessity for making these improvements to this airport, the gentleman from Pennsylvania polled the majority of the members of the committee and had their consent before this was written into the bill.

Mr. SNYDER of Pennsylvania. May I say that the Government has already spent up there \$540,000, and the city of Connellsville, as the sponsor, has put up \$35,000. The Army has designated this as an airport, and it does not take away anything from Pittsburgh. It is merely a landing field. A ship fell over near Uniontown a few years ago and killed 12 people. If this landing field had been in existence at Connellsville the accident would not have happened.

Mr. RANDOLPH. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I can well understand the desire of the gentleman from Pennsylvania for this airport development, but is it not a fact that at Morgantown, W. Va., only a few miles from the field of which the gentleman speaks, we are now completing one of the finest airports in the country, which can take care of any needs, now or in the future, of the Air Corps from the standpoint of an intermediate landing field? There is a need in the mountains in that territory for a real airport for emergency use, and also for a regular training base. I feel that Morgantown will fill that need for the Air Corps.

Mr. SNYDER of Pennsylvania. No. Morgantown is 29 miles away, and that is a long way in mountainous country in an emergency.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. EBERHARTER].

The question was taken; and on a division (demanded by Mr. DOCKWEILER and Mr. SNYDER of Pennsylvania) there were—ayes 68, noes 19.

So the amendment was agreed to.

Mr. ANDERSON of Missouri. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Missouri: Page 27, line 12, after the semicolon, insert "for work authorized by the act of August 26, 1937, at Jefferson Barracks, Mo., for barracks (medical and other detachments), \$82,500, for mess and kitchen additions to barracks \$60,000, nurses quarters \$63,000; in all, for Jefferson Barracks, \$205,500."

Mr. ANDERSON of Missouri. Mr. Chairman, I am sorry I am not a member of that powerful Appropriations Committee. Just what the qualification are I do not know, unless it is being quick on your feet. However, I am a member of the Committee on Military Affairs which spent 2 or 3 months studying this bill. Extensive hearings were held and a wide and thorough investigation made. If you will notice on page 3 of the report, one of the major items in this bill is Jefferson Barracks, Mo., for medical and other detachments. That was one of the major proposals in the House bill. This was sent to the War Department and

approved on August 26, 1937. You can verify this by looking at the last page.

Just why the item was deleted from the original bill I do not know, but I make the statement that this is needed. Jefferson Barracks is one of the oldest Army posts in this country. I wish every member of the committee could go through that post and see the tumble-down shacks and the miserable way in which the soldiers, especially the sick, have to live.

I am not going back to my district and say that I denied these sick soldiers a proper barracks in which to live during their sickness. I hope the members of the Committee will give those soldiers these facilities because they are entitled to them.

Mr. STARNES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri [Mr. ANDERSON].

Mr. Chairman, we appreciate the interest of the gentleman from Missouri [Mr. ANDERSON] in his district. We know that housing for the Army is needed very badly at that post as well as at many other posts.

Mr. ANDERSON of Missouri. Will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Missouri.

Mr. ANDERSON of Missouri. The gentleman is in the middle of a campaign for reelection. Does he wish to tell the soldiers down in his district that he wants them improperly housed?

Mr. STARNES. Mr. Chairman, I have no soldiers in my district. I hope the Committee will defeat the amendment offered by the gentleman from Missouri [Mr. ANDERSON].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. ANDERSON].

The question was taken; and on a division (demanded by Mr. ANDERSON of Missouri) there were—ayes 25, noes 36.

Mr. ANDERSON of Missouri. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. CULKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CULKIN: On page 27, line 18, strike out the period and insert "Madison Barracks, N. Y., \$217,000."

Mr. CULKIN. Mr. Chairman, about a year and a half ago the country was shocked by the declaration of General Hagood that the condition of housing in the United States Army was worse than the housing conditions found in the slums of our great cities. No one disputed that fact, but everybody charged with the responsibility has completely ignored it. I do not know whose fault it is. I do not know whether it is the fault of the House Committee on Military Affairs, of this committee, or of the Executive, but I know that this deplorable condition exists in practically every military post in the country.

General Hagood described the conditions in one post, similar to Madison Barracks, where 38 people of mixed sexes were using one unsanitary shower. It now appears from the record that this condition is duplicated in every army post in America. It is elementary that a real soldier, a soldier with morale, must have a decent environment. If he does not have this, there is something lacking in his make-up. There seems to be no spokesman for the American enlisted man in high places.

We have spent some \$6,000,000,000 for various public enterprises, some of them of very doubtful value, and you could put in your eye the aid that has been spent for the housing of the American soldier.

Here is an appropriation bill of \$490,000,000 with an appropriation of approximately \$8,000,000 for housing. Every one of the projects is below the Mason and Dixon's line. I do not charge there is sectionalism back of this. I merely mention it.

I urge the officers of the War Department, who are responsible for this vast budget, to wake up and do something to correct the situation. I have visited barracks in Europe,

South and Central America, and never have I seen anything so utterly ramshackle and disgraceful as the housing of the American enlisted man.

The Secretary of War and the high command should get the facts over to the Bureau of the Budget and the President, and not be satisfied with the crumbs that fall from the table. I urge the distinguished chairman of the Military Affairs Committee [Mr. MAY] to take an active hand in this. Lip service to this condition does no good. Somebody has got to take a hand in the name of decency and bring the matter of military housing to the Executive and the Bureau of the Budget. My judgment is that the responsibility rests on the Secretary of War and the officers of the General Staff who are in charge of this condition.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Minnesota.

Mr. KVALE. The gentleman has brought up a point that in my belief is of vital importance. I am a member of the Committee on Military Affairs, and have been a member of it a considerable number of years. I believe the gentleman will not lay the fault at the door of that committee, because time and again it has advocated and stressed the need for new housing.

Mr. CULKIN. I understand, but the gentleman's committee has pussyfooted on it. You have seen some six or seven billion dollars come out of the Treasury for miscellaneous and sometimes doubtful purposes, and have left these wards of the Government, who are helpless, to live under these slum conditions. I say the fault is in the gentleman's committee, in the Committee on Appropriations, and in the General Staff or whoever has to do with this condition. You will not get good soldiers, you will not get decent soldiers, and you will not get soldiers with morale unless you give them a decent environment that conserves their self-respect. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not believe there is a committee or a subcommittee of the House that worked more diligently and more conscientiously than the War Department Subcommittee of the Committee on Appropriations worked on this bill. I believe the record is complete.

This House can follow one of two policies: It can either follow the recommendation of the Budget and the War Department and let the War Department say what it would rather have first, limiting the appropriations to the amount recommended by the Budget, or it can throw the door wide open and let everybody put in his particular piece of pork, whether it be ham or bacon. There is no question but what there are a great many worthy projects as far as Army housing is concerned. The project of the gentleman from New York is undoubtedly one. I believe the one sought by the gentleman from Texas [Mr. MAVERICK] is another. I certainly felt that the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON], concerning Fort Sill, which was recommended by the Budget, and concerning which Colonel Chaffee testified the men were living in shacks, is another worthy project. However, I personally feel we ought to limit ourselves to the Budget and stand by this subcommittee. If the amendment of the gentleman from New York [Mr. CULKIN] is adopted, then the amendment of the gentleman from Texas [Mr. MAVERICK] and of the gentleman from Oklahoma [Mr. JOHNSON] should have been adopted.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. CULKIN. The gentleman says this is the proper procedure, but under this procedure you are not getting any housing and the conditions are as I have described them. What does the gentleman recommend so these conditions may be remedied?

Mr. ENGEL. I certainly do not recommend allowing in 1 year the total amount authorized. If you do that on all authorizations you will have a \$15,000,000,000 Budget instead of an \$8,000,000,000 Budget.

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Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. MAVERICK. I do not object to the gentleman's viewpoint, but I notice the Budget cut out certain coast defenses and various things like that. What does the Budget know about coast defenses or about military matters? The Budget made that cut in opposition to the recommendation of the War Department.

Mr. ENGEL. No; I believe what happened was that the Budget Bureau upon the recommendation of the President limited the amount of the appropriations for the War Department, and then the Budget let the War Department recommend what it wanted as preferential items. As I understand, these are the facts.

Mr. MAVERICK. I call the attention of the gentleman to the fact that is not correct. General Craig did not testify to that effect. May I ask the gentleman, is not the Budget wrong once in a while?

Mr. ENGEL. The Budget may be wrong, but the Budget Department is not wrong in trying to hold down the appropriations.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes; I yield.

Mr. KVALE. I want to ask the gentleman in all fairness whether the Budget has extended its studies to the point where it has made personal inspection of the construction in the various camps and has seen the vermin-infested and disease-infested, crumbling, tottering, ramshackle buildings?

Mr. ENGEL. I do not believe, Mr. Chairman—

Mr. KVALE. I do not believe—I know.

Mr. ENGEL. Let me answer the gentleman. I do not believe the system of inspection by Army officers is so rotten that they have vermin or lice or what not in their buildings. From my experience of 2 years and a half in the Army, I know Army inspections are very thorough. Buildings may be dilapidated or antiquated, but they are clean.

Mr. KVALE. Has the gentleman made any inspection of some of these Army establishments recently?

Mr. ENGEL. The committee followed the recommendation of the Army officials and of the Budget Department as to which items should come first.

[Here the gavel fell.]

Mr. MURDOCK of Arizona. Mr. Chairman, I am not asking in this case for pork, for I know some Army quarters in the State of Arizona that are not fit for hogs to live in. I know exactly what the gentleman from New York has said to be true with regard at least to one Army post in the far Southwest, and I am willing to take his statement as being generally true all over the country.

Just a few days ago we voted for a tremendously big naval authorization. Are we not overemphasizing one arm of national defense and neglecting another arm of it? I do know conditions down in my corner of the country, and I want to call your attention to the fact that Fort Huachuca is the only military outpost between El Paso and the Pacific Ocean, and we need better housing facilities there. I saw this with my own eyes. I saw human beings living in houses I would not put a horse or a hog in, and I do know that we ought to provide an adequate water supply there. At Fort Huachuca the need of water supply is more imperative than the need of barracks.

I am not offering any amendment here because my suggestion is not in the Budget. I am merely doing this to call attention in this public way to the need, and I am willing to take what the gentleman says about New York and what my friend from Missouri says about Jefferson Barracks as being very likely true. Let us be consistent and not neglect one arm of national defense while we are doing great things for the other.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CULKIN].

The amendment was rejected.

The Clerk read down to and including line 3 on page 28.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. LUTHER A. JOHNSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record, and to include therein a letter from Cluett, Peabody & Co. and my reply thereto.

The SPEAKER. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record, and to place therein a telegram which I sent to the President and to the Secretary of State regarding the diplomatic invasion in Brazil by Hitler.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a statement recently made by the national commander of the Army and Navy Union, of importance to veterans.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my remarks made today in the Record and also to extend my remarks in the Record by printing therein a radio address delivered by myself.

The SPEAKER. Without objection, both requests will be granted.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks made earlier today, and to include a very short article appearing in the New York Times this morning.

The SPEAKER. Is there objection?

There was no objection.

GROUP HEALTH ASSOCIATION

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS. Mr. Speaker, today the gentleman from California, my colleague [Mr. SCOTT], introduced a resolution for an investigation of the controversy which has been in progress concerning the Group Health Associations of Washington. I rise at this time to say that I very much hope that the resolution will receive favorable consideration of the House. It seems to me that there has been developed here a method of possible solution of a great many serious problems respecting the health of America and that it is something that ought to receive favorable consideration.

EXTENSION OF REMARKS

Mr. JOHNSON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to incorporate a copy of the 1938 platform of the Farmer-Labor Association of Minnesota.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include an editorial on the reorganization bill published in my home paper.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LANZETTA, for today, to attend a funeral.

To Mr. BOEHNE, for 1 week, on account of illness in his family.

To Mr. BUCK, for today, on account of official business.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 277. Joint resolution creating a special joint congressional committee to make an investigation of the Tennessee Valley Authority; to the Committee on Rules.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes.

ADJOURNMENT

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 29, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs, Room 1310, New House Office Building, at 10:30 a. m., Tuesday, March 29, 1938, for the consideration of H. R. 9098, to promote air commerce by providing for the enlargement of Washington airport.

COMMITTEE ON PATENTS

On Tuesday and Wednesday, March 29 and 30, 1938, at 10 a. m., the Committee on Patents will continue hearings that began Monday, March 21, 1938, on the following measures: H. R. 9259, to provide for compulsory licensing of patents; H. R. 9815, to provide for the granting of licenses under patents brought within a single control by competitors to dominate an industry; H. R. 1666, to provide counsel for the defense and prosecution of rights of indigent patentees.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, March 29, 1938. Business to be considered: Continuation of hearings on H. R. 9738—civil aeronautics.

There will be a meeting of Mr. MALONEY's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Continuation of hearing on S. 1261—through routes.

There will be a meeting of Mr. BULWINKLE's subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 5, 1938. Business to be considered: Hearings on H. R. 9073—to extend services of the Cape Fear River.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, April 12, 1938. Business to be considered: Hearing on H. R. 9047—control of venereal diseases, and other kindred bills.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The Subcommittee on Judiciary of the Committee on the District of Columbia will meet Tuesday, March 29, 1938, at 10:30 a. m., in room 345, House Office Building, to consider the following bills: H. R. 9684—racing board; H. R. 9759—penalty for assault with dangerous weapon.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10 a. m. Wednesday, April 6, 1938, on bills in behalf of custodial

employees in the Postal Service. Room 213, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, March 30, 1938, for the public consideration of H. R. 8631—for the relief of Vincenzo Ferrero, and for the further consideration of unfinished business of the committee.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Tuesday, March 29, 1938:

H. R. 9765-S. 3595. To authorize the purchase and distribution of products of the fishing industry.

Wednesday, March 30, 1938:

H. R. 8840. To amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380).

S. 1273. To adopt regulations for preventing collisions at sea.

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

Full open committee, Naval Affairs, meets at 10:30 a. m. Monday, April 4, 1938; continuation of consideration of H. R. 9315—to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1188. A letter from The National Archives, transmitting lists of papers consisting of 235 items, among the archives and records of the Veterans' Administration, which the administration has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

1189. A letter from the Acting Secretary of War, transmitting a report dated March 18, 1938, from the Chief of Engineers, United States Army, on reexamination of New London Harbor, Conn.; to the Committee on Rivers and Harbors.

1190. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Schoharie Creek and tributaries, Greene and Schoharie Counties, N. Y., authorized by the Flood Control Act approved June 22, 1936, and by act of Congress approved March 3, 1936; to the Committee on Flood Control.

1191. A letter from the Acting Secretary of War, transmitting a report dated March 18, 1938, from the Chief of Engineers, United States Army, on reexamination of a waterway from the headwaters of Oklawaha River, Fla., and Lake Griffin to Lake Tohopekaliga, through Lake Apopka and other lakes connecting the Oklawaha River system with the Kissimmee River system; to the Committee on Rivers and Harbors.

1192. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Pithlachascotee River, Fla., authorized by the River and Harbor Act approved August 26, 1937; to the Committee on Rivers and Harbors.

1193. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 17, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Warren River and Barrington Harbor, R. I., authorized by the River and Harbor Act, approved August 26, 1937; to the Committee on Rivers and Harbors.

1194. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 18, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Caloosahatchee River and Lake Okeechobee drainage areas, Florida, with a view to constructing additional levees between Kissimmee River and Fisheating Creek, authorized by the River and Harbor Act, approved August 26, 1937; to the Committee on Rivers and Harbors.

1195. A letter from the Acting Secretary of War, transmitting a report dated March 18, 1938, from the Chief of Engineers, United States Army, on reexamination of the Columbia River and tributaries in the vicinity of Warren, Oreg.; to the Committee on Flood Control.

1196. A letter from the Acting Secretary of War, transmitting a report dated March 18, 1938, from the Chief of Engineers, United States Army, on reexamination of Nanticoke River, Del. and Md.; to the Committee on Rivers and Harbors.

1197. A letter from the Acting Secretary of War, transmitting a report dated March 21, 1938, from the Chief of Engineers, United States Army, on preliminary examination of St. Patricks Creek, St. Marys County, Md.; to the Committee on Rivers and Harbors.

1198. A letter from the Acting Secretary of War, transmitting a report dated March 18, 1938, from the Chief of Engineers, United States Army, on reexamination of Norfolk Harbor, Va.; to the Committee on Rivers and Harbors.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10005) for the relief of Clarence D. Holland, United States Navy, retired, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER (by request): A bill (H. R. 10047) to provide for the appointment of a commission to study the

Constitution of the United States and report to the Congress upon the desirability or undesirability of amending the same; to the Committee on Rules.

By Mr. BOYER: A bill (H. R. 10048) to exempt publicly classified-owned and all public-owned interstate highway bridges from local taxation; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLSON: A bill (H. R. 10049) to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved June 22, 1936; to the Committee on Flood Control.

By Mr. IGLESIAS: A bill (H. R. 10050) to authorize the Legislature of Puerto Rico to create public corporate authorities to undertake slum clearance and projects to provide dwelling accommodations for families of low income and to issue bonds therefor, to authorize the legislature to provide for financial assistance to such authorities by the Government of Puerto Rico and its municipalities, and for other purposes; to the Committee on Insular Affairs.

By Mr. HENDRICKS: A bill (H. R. 10051) to provide for travel allowance to railway mail clerks assigned to road duty; to the Committee on the Post Office and Post Roads.

By Mr. WALTER: A bill (H. R. 10052) to regulate the exercise of the powers of senior circuit and district judges; to the Committee on the Judiciary.

By Mr. CLUETT: A bill (H. R. 10053) to authorize a preliminary examination and survey of Kayaderosseras Creek, Fish Creek, and their tributaries, and Saratoga Lake, in the State of New York, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. MEAD: A bill (H. R. 10054) to amend section 4438 of the Revised Statutes of the United States in order to maintain discipline aboard ships; to the Committee on Merchant Marine and Fisheries.

By Mr. STEAGALL: A bill (H. R. 10055) to amend section 5d of the Reconstruction Finance Corporation Act, as amended, to authorize loans to public agencies, to provide credit facilities for business enterprises, and for other purposes; to the Committee on Banking and Currency.

By Mr. BIERMANN: A bill (H. R. 10056) to extend for 2 additional years the 3½-percent interest rate on certain Federal land-bank loans, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans for a period of 2 years; to the Committee on Agriculture.

By Mr. HENDRICKS: A bill (H. R. 10057) to exempt motorboats of less than 21 feet in length engaged exclusively in commercial fishing in the inland waters of the United States from carrying certain equipment prescribed by the act of June 9, 1910, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PETERSON of Florida (by request): A bill (H. R. 10058) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal; to the Committee on Merchant Marine and Fisheries.

By Mr. RAMSAY: A bill (H. R. 10059) to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT: Resolution (H. Res. 452) authorizing an investigation of the controversy between the organization known as Group Health Association and the Medical Society of the District of Columbia and the American Medical Association; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWE: A bill (H. R. 10060) to change date of discharge for Marshall E. Hord; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 10061) for the relief of Benson Allen; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 10062) granting an increase of pension to Catharine Gillaspie; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 10063) granting a pension to William James Stanley; to the Committee on Pensions.

By Mr. TOBEY: A bill (H. R. 10064) granting a pension to Sigrid M. Murphy; to the Committee on Pensions.

By Mr. WOODRUM: A bill (H. R. 10065) for the relief of Bertha E. Richardson; to the Committee on Claims.

SENATE

TUESDAY, MARCH 29, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 28, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 711) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, as amended, and particularly sections 863, 911, and 914 of the said code, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 9227) to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes," in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I am impelled to suggest the absence of a quorum, and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Calif.	Overton
Andrews	Davis	Johnson, Colo.	Pittman
Ashurst	Dieterich	King	Pope
Austin	Donahey	La Follette	Radcliffe
Bailey	Duffy	Lee	Reames
Bankhead	Ellender	Lewis	Reynolds
Barkley	Frazier	Lodge	Russell
Blibo	George	Logan	Schwartz
Bone	Gerry	Loneragan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Gillette	McAdoo	Shipstead
Brown, Mich.	Glass	McGill	Smathers
Brown, N. H.	Green	McKellar	Smith
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler
Clark	Holt	Nye	
Connally	Hughes	O'Mahoney	

Mr. LEWIS. I announce that the Senator from Tennessee [Mr. BERRY] is detained from the Senate because of illness in his family.

The Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The Senator from Florida [Mr. PEPPER] and the Senator from Indiana [Mr. VAN NUYS] are detained on important public business.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

GREEN MOUNTAIN NATIONAL PARK, VT.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Green Mountain National Park in the State of Vermont, and